

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER II, LLC,
Patent Owner.

Case IPR2025-01140
Patent 11,577,771

PATENT OWNER'S SUR-REPLY

TABLE OF CONTENTS

PATENT OWNER’S UPDATED EXHIBIT LIST	iii
I. Introduction	1
II. Claim Construction	3
A. “connectable ... in either a forward or backward facing position” ([1.4]/[1.5d])	3
B. “Inline descending configuration”	6
C. “Right and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position ...”	8
III. Ground 1 (Rolicki):	11
A. Rolicki is not prior art and cannot render the challenged claims obvious. 11	
1. Two legal errors pervade Petitioner’s priority challenge	11
a. Petitioner’s written-description analysis of “handle portion” fixates on the wrong documents.....	11
b. Petitioner’s “substantially within a plane” analysis mischaracterizes PO’s showing and demands word-for-word disclosure.....	13
i. Dr. Cameron’s testimony explains what the 2008 Provisional conveys to a POSA—that is not “inherency”	14
ii. <i>LizardTech</i> confirms the POSA’s background knowledge	14
iii. Petitioner leaves the operative testimony unrebutted.....	15
iv. <i>Novartis</i> addressed negative limitations and does not apply.....	15
B. Ground 1 does not disclose or suggest reversible seats	16
IV. Ground 2: Gotting and Britax	21
A. Gotting’s adapters are located nowhere along the support members ([1.5b])	21
B. The only position the adapters occupy on the frame is one the Petition itself calls handle-proximal ([1.5c])	23
C. Gotting’s seats are not “arranged in an inline descending configuration substantially along the plane of the frame” ([1.5e])	25

D.	The Reply abandons Gotting ¶ [0014]	26
V.	Ground 3: Offord ’341 and Offord ’797	27
A.	The Reply does not explain the Petition’s missing additional unmotivated step	27
B.	Petitioner never addresses the features that make Offord ’797’s sub-frame reversible.....	27
C.	A POSA would not have made Petitioner’s proposed modification	28
VI.	CONCLUSION	29

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
2001	<i>RESERVED</i>
2002	Excerpt of File History of Application No. 12/631,375, Applicant's Response to Office Action, Remarks and Attachments (Nov. 4, 2013)
2003	United States District Courts—National Judicial Caseload Profile for 12-month period ending December 31, 2024; <i>available at</i> https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf
2004	U.S. Patent No. 10,449,987, Information Disclosure Statement dated February 28, 2018
2005	<i>RESERVED</i>
2006	<i>RESERVED</i>
2007	Docket Sheet (as of Sept. 1, 2025) for <i>Baby Jogger, LLC v. Evenflo Company, Inc.</i> , No. 1:24-cv-00723 (D. Del. filed June 18, 2024)
2008	<i>RESERVED</i>
2009	<i>RESERVED</i>
2010	<i>RESERVED</i>
2011	Declaration of Dr. Kimberly Cameron (Mar. 26, 2026)
2012	CV of Dr. Kimberly Cameron
2013	Annotated Fig. 16 of EX1051
2014	Declaration of Warren J. Thomas
2015-2099	<i>RESERVED</i>
2100	Transcript of the Cross-Examination of Douglas Prairie (Mar. 13, 2026)
2101	Declaration of Douglas Prairie, Exhibit 1002 from <i>Precision Planting, LLC and AGCO Corporation v. Deere & Company</i> , IPR2019-01044 (May 29, 2019)

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

I. INTRODUCTION

Petitioner's Reply (Paper 27, "Reply") applies two standards to one record. Toward Patent Owner's ("PO") disclosures, Petitioner is exacting: it demands precise labels and strict component boundaries. Toward the prior art, it is generous: it reads reversibility into a figure that shows no connector geometry and locates Gotting's adapters wherever the claims require.

The claim construction disputes share one defect: Petitioner's readings leave claim words with no work to do. "[I]n either a forward or backward facing position" modifies "connectable"—a capability term—and the specification describes that capability the same way in every embodiment: support for both orientations. On Petitioner's reading, the claim means exactly what it would mean with "either" deleted. "Disposed along" fares the same. The phrase identifies a location on the length of the support members; Petitioner's gloss—"arranged relative to"—describes everything on a stroller, from the wheels to the storage basket. And for "inline descending configuration," Petitioner offers no competing construction at all.

Ground 1 begins with a priority challenge that asks the wrong question of the wrong documents. Written description looks to what the 2008 and 2009 disclosures conveyed to a POSA. Petitioner litigates the post-2016 filings instead, treating a change in labeling as proof that structures were missing all along. Word

matching is not the possession inquiry, and claim construction is no substitute for it. Dr. Cameron's testimony explaining what those disclosures convey to a POSA—the only expert testimony on point—stands unrebutted.

Ground 1 fares no better on reversibility. It is undisputed that Rolicki only shows forward-facing seats. The Petition rested on its erroneous “either ... or” reading and an aside that Rolicki incorporates WO '157; it proposed no modification to Rolicki and articulated no reason to make one. The Reply's two new theories—connector “symmetry” and reversibility as a known “design choice”—come too late and fail: Figure 9 is a side view that shows nothing of the hubs' inner workings, and the only affirmative evidence—that bayonet-type connections are “typically implemented with orientation-constraining features”—is unchallenged. EX2011 ¶ 84.

Ground 2 rests on counsel's say-so. Mr. Prairie's rebuttal declaration offers no testimony on Gotting, so every “POSITA would understand” in the Reply is unsworn attorney argument against Dr. Cameron's unrebutted analysis. The mapping also fails on the Petition's own annotations: Gotting's adapters occupy no location along either support member—they hang from a crosswise support bar—and the only position they occupy on the frame is one the Petition itself calls handle-proximal.

Ground 3 fails for lack of a motivation to combine. Petitioner's combination requires an additional, unjustified step—separately reversing the individual seats. Petitioner never rebuts PO's showing that Offord '341's sub-frame lacks the structural features that make Offord '797's interface portion reversible, resting instead on generalized "similarity." And its modification invites the very instability—"dangerous tilting or toppling"—that Offord '341 warns against, discouraging the combination rather than suggesting it.

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

II. CLAIM CONSTRUCTION

A. "connectable ... in either a forward or backward facing position" ([1.4]/[1.5d])

PO acknowledges that the word "or" is *often* interpreted disjunctively. Reply 11. But "that is not a hard-and-fast rule." *Intel Corp. v. Qualcomm Inc.*, No. 2022-1046, 2023 WL 4196901, at *4 (Fed. Cir. June 27, 2023); *Express Mobile, Inc. v. Meta Platforms, Inc.*, No. 2023-1646, 2025 WL 1693494, at *5 (Fed. Cir. June 17, 2025) (no "*per se* rule"). Petitioner's first cited case (Reply 11) even *agrees* the dictionary definition is "not the end of the inquiry." *Schumer v. Lab'y Computer Sys., Inc.*, 308 F.3d 1304, 1312 (Fed. Cir. 2002).

Like the appellant in *Intel*, Petitioner incorrectly asks the Board to “only consider[] ‘or’ in isolation,” though “[p]roper claim construction ... demands interpretation of the entire claim in context.” *Intel*, 2023 WL 4196901, at *4 (quoting *Hockerson-Halberstadt, Inc. v. Converse Inc.*, 183 F.3d 1369, 1374 (Fed. Cir. 1999)) (affirming Board construction that claim required “both” elements and rejecting petitioner’s argument that art disclosing one alternative disclosed the limitation). The real inquiry is whether the applicant “intended its usage of ‘or’ ... to embrace ‘and.’” *Kustom Signals, Inc. v. Applied Concepts, Inc.*, 264 F.3d 1326, 1331 (Fed. Cir. 2001) (finding “no basis” to embrace “and” where no embodiment described both search “modes”).

Both the claim and specification support PO’s interpretation that “*connectable ... in either a forward or backward facing position*” ([1.4]/[1.5d]) describes a connector capable of supporting the seat in both orientations—i.e., a seat that is reversible, or “adjustable ... and vice-versa” (PO Response, Paper 20 [“POR”] 13-14), however accomplished. “[I]n either a forward or backward facing position” modifies “connectable,” a capability term.¹ Such a seat is therefore

¹ Cf., e.g., *Tricklestar LLC v. Embertec Pty Ltd.*, No. IPR2017-00839, 2017 WL 2983346, at *5 (P.T.A.B. July 10, 2017) (“[T]he ordinary meaning of the suffix

connectable *both* ways, just as a door “openable from either the inside or the outside” opens from both.

The specification also consistently describes the seats connecting in *both* modes. Petitioner concedes the patent describes embodiments “where the seats are reversibly and adjustably connected,” contesting *only* the “first embodiment” based on its “disjunctive language.” Reply 11-12; *see also* POR 10-11; EX1002 ¶ [0035].

But the “first embodiment” describes the same arrangement as the embodiments Petitioner concedes are reversible: “seat support element 22 ... may be capable of supporting the front stroller seat 13 *in either a forward-facing or backward-facing position.*” EX1011, 6:66-7:2. The seat attaches to seat support element 22 (EX1011, 5:11-15), so that passage describes a connector “capable of supporting” the seat in both orientations. “May” addresses whether an embodiment includes the capability, while “either ... or” describes the capability itself as support for both orientations.

Unlike *Kustom Signals*, every embodiment that discusses seat orientation describes the same reversible capability; no embodiment describes a seat connectable in only one orientation. Reading a claim to mean what the

‘able’ is ‘capable of’ or ‘fit for.’ ... Thus, the ordinary meaning ‘connectable’ is ‘capable of connecting.’”).

specification consistently describes is not importing a limitation—it is the correct application of *Phillips*. See *Nystrom v. TREX Co.*, 424 F.3d 1136, 1144-45 (Fed. Cir. 2005) (construing term in view of its “consistent use”).

Petitioner's contention that its “construction preserves the full scope of the limitation” because “the connection must be in one of two specified orientations” and that “[n]o part of the limitation is read out” (Reply 12-13) does not identify what work “either” performs in the claim. Under PO's construction, “either” matters, too: it signals that both orientations are available.

B. “Inline descending configuration”

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

First, Petitioner argues that “PO's construction improperly reads ‘seats’ out of the claim and substitutes ‘mounting points.’” Reply 13. The premise appears to be that “the first and second seat” is the grammatical subject of “are arranged.” That resolves nothing; the question is not *what* is arranged, but *where* “along the stroller frame” each seat connects.

Claim 1 recites the first seat is “connected to the frame at a first vertical position,” and the arrangement is recited “substantially along the plane of the frame,” “when connected to the frame.” The specification describes the same

relationship as cause and effect: the adapters couple the second seat “at a vertical height that is substantially below the vertical height that the first stroller seat 86 attaches to the stroller frame 81, *thereby* positioning the second stroller seat 85 at a vertical position that is substantially below the vertical position of the first stroller seat 86.” EX1011, 10:39-47 (emphasis added); *see also id.*, 11:64-12:5. Connection location is the cause; seat position is the effect. Petitioner’s retort that the specification “never uses the term ‘inline descending configuration’” or “specifies how it would be measured” is word-matching. Reply 13. PO relies on what the specification describes, not merely the labels it uses. *See* POR 15-17.

Second, Petitioner contends that “in the ’771, [PO] drew the line between the offset upper and lower bars ... not the connection point it urges here.” Reply 15. But there is no inconsistency to explain because a complaint pleads a plausible claim for relief; it is not a claim construction, and none has issued in the district court.

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

The parties agree that plain meaning controls (Reply 16; POR 17) but disagree about what that meaning *is*.² It reduces to one question: *where* must the seat attachments be located to satisfy element [1.3]?

Petitioner never answers it. Instead of identifying a location, it parses PO's construction word-by-word, fixating on “on” to recast PO's reading as “narrower” than ordinary meaning. Reply 17.

Read as a whole, and given the constraints the related elements impose, the seat attachments are positioned at a *location* on the length of the frame's support members (which lie substantially within a diagonal plane [1.3]), such that the “vertical position” they are “at” is both *lower* than the “first [higher] vertical position” of the first seat [1.5b] and “*closer* to the front” than to the handle [1.5c]. POR 18 & n.7; EX2011 ¶¶ 107, 110 & n.3. The elected embodiment shows seat attachment adapters 84 “disposed along” the frame in exactly this way:

² That dispute must be resolved. *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008).

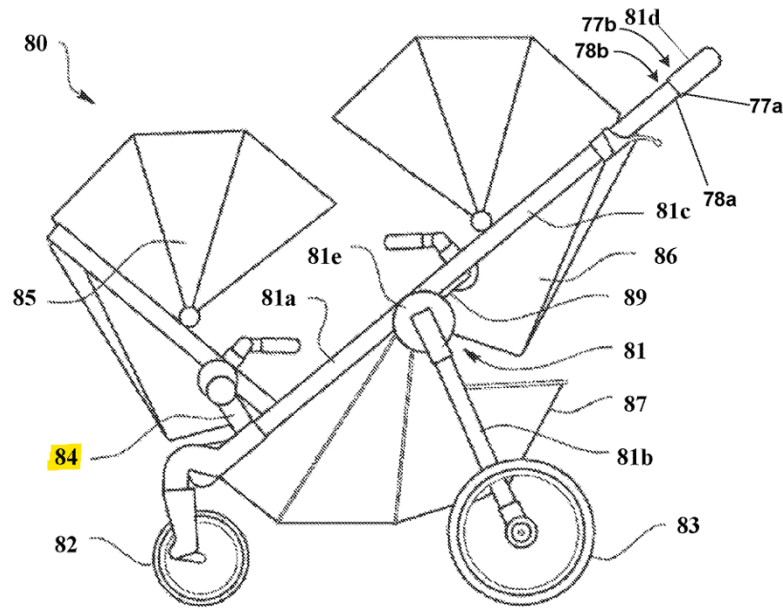


FIGURE 8A

EX1011; *see also* Fig. 8 of EX1002 and EX1003. The specification also uses “disposed along” the same way every time to identify a location along the length of the referenced structure. POR 19-20 (collecting examples); *see also* EX1011, 15:13-15 (latching tab “disposed along one side of the adapter 84 between the first end 84a and the stop collar 1335”—a bounded location on the structure’s length). It never uses “disposed along” to describe one component merely *near* another as Petitioner’s arguments (and Ground 2 mapping) suggest.

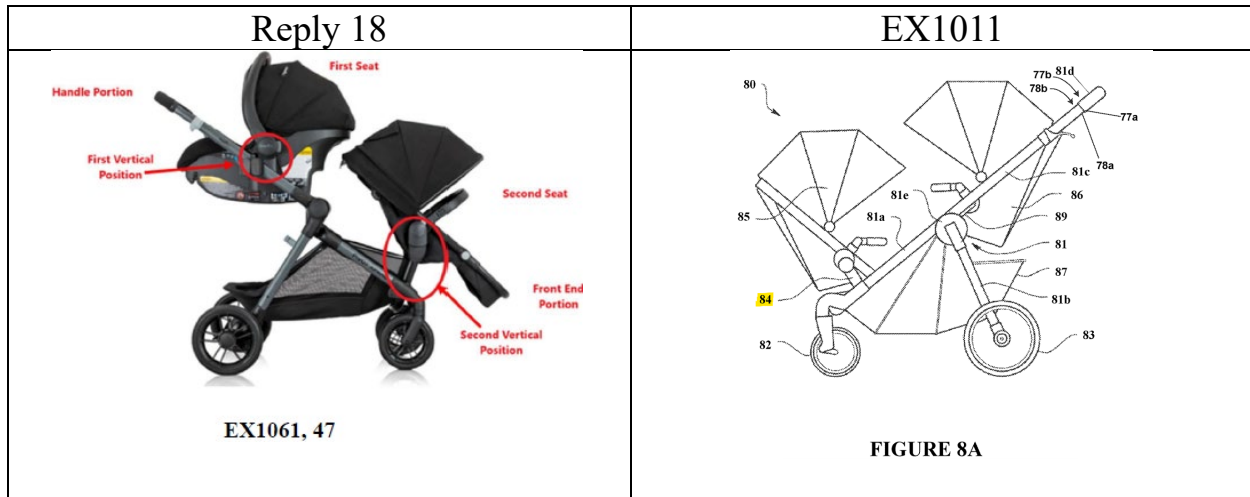
Petitioner’s authority does not conflict with this interpretation. *Advanced Medical Optics v. Alcon* construed “disposed along” positionally—“placed through, on, over, or *continuously* beside or on a line or course parallel and close

to” the reference body—and both parties there agreed “along” “implies some degree of proximity or closeness.” 361 F. Supp. 2d 370, 387-90 (D. Del. 2005).

Packers Plus is farther afield: it construed a different term (“disposed at”) under a different standard (BRI). IPR2018-01030, Paper 41, 23-24.

Petitioner’s position shifts as its needs change. Arguing construction (Reply 17), it implicitly adopts the *Advanced Medical Optics* definition. Applying the term to Gotting, Petitioner retreats to “requir[ing] only that [the attachments] be positioned along—*i.e., arranged relative to*—said members.” Reply 32. But everything on a stroller—wheels, pivots 94, even storage basket 87—is “arranged relative to” the support members. Petitioner’s reading severs “disposed along” from the claim language constraining the attachments’ location. *E.g., [1.5b]*. PO’s construction gives it *all* meaning, consistent with the disclosed invention.

Finally, Petitioner’s “gamesmanship” charge (Reply 17-18) mischaracterizes EX1061. The complaint identified accused seat attachments “disposed along” the frame in exactly the manner articulated here. The cited image, nearly a mirror image of the arrangement of Figure 8A, shows the seat attachment at a *single*, identified location on the length of the support members, not a “*range* of positions above the frame.” *Compare* EX1061, 47, *with* EX1011, Fig. 8A (highlighted). PO’s positions are consistent.



III. GROUND 1 (ROLICKI):

A. Rolicki is not prior art and cannot render the challenged claims obvious

1. Two legal errors pervade Petitioner's priority challenge

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

a. Petitioner's written-description analysis of “handle portion” fixates on the wrong documents

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

four corners of the specification” to determine whether the disclosure “reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter,” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010). The relevant four corners here are those of the 2008 Provisional. But Petitioner never examines them.

Instead, the Reply devotes its “handle portion” analysis to what came *after* 2008. Its own headings tell the story: “The 2016 Provisional redefines a new ‘handle portion’”; “The ’543 Prosecution History confirms ‘handle portion’ is not supported by the 2008 Provisional”; and a section faulting Dr. Cameron for “fail[ing] to evaluate the written disclosure of the 2016 Provisional.” Reply 21-26. Of the seven pages Petitioner spends on the subject, the 2008 Provisional itself receives roughly one—and that page leaves PO’s Figure 3 evidence unrebutted, addressing only Figure 8 and paragraphs [0033] and [0035]. Reply 20-21; POR 25-27. Prairie’s declaration follows the same path. EX1001 ¶¶ 188-198. Petitioner’s priority analysis is thus an extended claim-construction exercise improperly substituted for the inquiry the law requires. *See Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1347 (Fed. Cir. 2016) (a CIP’s “additional explanations” “could be relevant” to claim construction,” but provide “*no insight into the relevant inquiry*” (emphasis added)); *Zimmer Surgical, Inc. v. Stryker Corp.*, 365 F. Supp.

3d 466, 482 (D. Del. 2019) (rejecting evidence of new disclosure as irrelevant to the written description inquiry).

An analysis based on the wrong documents cannot show that the 2008 disclosure lacks support for the claimed “handle portion.”

b. Petitioner's “substantially within a plane” analysis mischaracterizes PO's showing and demands word-for-word disclosure³

Petitioner's attack reduces to two moves. First, it relabels PO's evidence as an “inherency theory” so it can measure that evidence against *Nuvo's* and *Novartis's* inherency standard. Reply 18, 27-28. Second, it insists that, absent express text disclosing a “tolerance, range, or functional basis for assessing out-of-plane deviations,” a POSA “would have no basis to understand the claimed boundary.” Reply 29. The first move misdescribes the record; the second misdescribes the POSA.

³ Petitioner does not contest that “neither the Petition nor the supporting expert declaration make any argument that ‘substantially along the plane of the frame’ is not supported. POR 28. Accordingly, Petitioner appears to concede that this element is supported by the 2008 Provisional. See Reply 26 (arguing only that “[t]he 2008 Provisional does not disclose ‘substantially within a plane’”).

- i. Dr. Cameron's testimony explains what the 2008 Provisional conveys to a POSA—that is not “inherency”

PO's showing does not depend on inherent disclosure. Dr. Cameron explains how a skilled artisan reads Figure 8 and its accompanying description—exactly what written-description analysis requires. *Allergan USA, Inc. v. MSN Lab 'ys Priv. Ltd.*, 111 F.4th 1358, 1376 (Fed. Cir. 2024) (written description is an “objective” inquiry “into the four corners of the specification from the perspective of a person of ordinary skill in the art”). Petitioner's framing would make expert testimony about POSA understanding categorically unavailable to patent owners defending priority—a rule no case supports.

- ii. *LizardTech* confirms the POSA's background knowledge

Petitioner treats the POSA as unable to understand anything not spelled out verbatim—yet *LizardTech*, on which Petitioner relies, says the opposite. *LizardTech, Inc. v. Earth Res. Mapping, Inc.*, 424 F.3d 1336, 1345 (Fed. Cir. 2005) (specification “is written for a [POSA], and such a person comes to the patent with the knowledge of what has come before”; “it is unnecessary to spell out every detail of the invention”). Stroller frames are mechanically simple and highly predictable, so, contrary to Petitioner, the level of detail required is low. *Ariad*, 598 F.3d at 1351; EX2011 ¶ 70.

iii. Petitioner leaves the operative testimony un rebutted

Petitioner challenges the legal sufficiency of Dr. Cameron's opinions but never engages their substance. It does not dispute that:

- “any frame with a folding mechanism ... will not be mathematically perfectly planar” and “there will be deviations” (EX2011 ¶ 68);
- Figure 8 of the 2008 Provisional depicts such a frame (EX2011 ¶ 68);
- a POSA reads the figures as “present[ing] a schematic view,” not a literal, dimensioned embodiment (EX2011 ¶ 69); or
- the technology is of low complexity and high predictability, with “no technical challenges to make a non-strictly planar alignment” (EX2011 ¶ 70).

This un rebutted testimony establishes that a POSA would read Figure 8 as disclosing support members extending substantially—i.e., not perfectly—within a plane. Petitioner's insistence that the 2008 figures “affirmatively teach strict planarity” (Reply 28) asks the Board to credit attorney argument over the only expert testimony on point.

iv. *Novartis* addressed negative limitations and does not apply

Petitioner quotes *Novartis* for the proposition that ““testimony from a [POSA] as to possibilities or probabilities’ cannot supply written description support.” Reply 28. But the full passage is limited to negative limitations: “If

silence were generally sufficient, all negative limitations would be supported by a silent specification.” *Novartis Pharms. Corp. v. Accord Healthcare, Inc.*, 38 F.4th 1013, 1017-18 (Fed. Cir. 2022) (emphasis added). “Substantially within a plane” is an affirmative structural limitation, and the 2008 Provisional is not silent—it depicts the frame’s geometry. *Nuvo* is likewise inapposite because PO advances no inherency argument.

The 2008 Provisional therefore conveys to a POSA that the inventor possessed foldable support members extending “substantially within a plane.”

B. Ground 1 does not disclose or suggest reversible seats

It is undisputed that Rolicki only shows forward-facing seats that do not satisfy the claims’ reversibility requirement. POR 37-38; Reply 30-31 (arguing only in the “alternative[],” applying PO’s construction). Three questions remain disputed: **(1)** whether the teachings of WO ’157 can be considered in a Ground of obviousness “in view of Rolicki” alone; if so, **(2)** whether WO ’157 in fact discloses or teaches reversible seats;⁴ and **(3)** whether the Petition presents any other obviousness theory with sufficient particularity (POR 41-43); *see also* 35

⁴ The POR explained why the answer to both is no. POR 39-40; *see also* EX2100, 79:4-8 (“Ground 1 is ... just over Rolicki itself”).

U.S.C. § 312(a)(3). The Reply's attempt to backfill the gaps in the Petition's legal and factual contentions fails.

As to the first question, Petitioner says PO's position that WO '157 cannot be considered is "meritless" by citing (Reply 31), for the first time, Rolicki's statement that it "incorporates" WO '157, along with "*Aristocrat Techs. Austl. Party Ltd. v. Int'l Game Tech.*, 709 F.3d 1348, 1356 (Fed. Cir. 2013)." But a reply cannot supply particularity the petition omitted. *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016). And *Aristocrat* says nothing about incorporation by reference, and thus provides no support. *See generally* 709 F.3d 1348.

As to the second question, Petitioner argues that WO '157 "*plainly discloses* the required structural capability"—reversibility—because Figure 9 "depicts" mating interfaces that are "identical," "laterally symmetric," and "mirrored left-to-right ... with no asymmetry or directional keying" in the hubs. Reply 31 (citing paragraphs [0012], [0063], and [0068]-[0069]). That is a new argument and should be disregarded. 37 C.F.R. § 42.23(b); *Intelligent Bio-Sys.*, 821 F.3d at 1369-70. The Petition observed only that Figure 9 shows seats in "both ... facing position[s]" (Paper 1 ["Pet."] 37); it never said they are *reversible*. *Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc.*, 853 F.3d 1272, 1286-87 (Fed. Cir. 2017), 853 F.3d at 1286-87 ("[r]ather than explaining how its original petition was correct," the new arguments

“amount to an entirely new theory of prima facie obviousness absent from the petition”).

Even if considered, Petitioner cannot show WO '157 “plainly discloses” what it never mentions. Figures are evidence of what they depict, *see* Reply 31 (citing *In re Mraz*), but Figure 9 is “a side view” (EX1050 ¶ [0012]) depicting two seats fixed in opposite orientations. It shows no mating-interface geometry, no enlarged view of the hubs’ “inner workings” (though other figures show *other structures* in enlarged views), and no seat being reversed. EX2200, 21:8-25:13, 38:4-39:6. *Mraz* itself rejects reliance on drawings for what they were “never intended to show.” 455 F.2d 1069, 1072 (C.C.P.A. 1972). The text adds only that the hubs engage “via, *for example*, a bayonet connection.” EX1050 ¶ [0063]; *cf.* EX1047 (seat mounts “are bayonet-type mounts”). Mr. Prairie could not locate keyed/keying, mirrored, reversible, rearward, or backward anywhere in the document, EX2200, 28:17-31:17, yet he (and Petitioner) read that silence as disclosing reversibility. Reply 31; EX1082 ¶ 23.⁵ The only affirmative evidence,

⁵ Mr. Prairie reads figures differently with it suits him. Needing side-to-side symmetry for element [1.3], he quoted express text—which he agrees WO '157 lacks. *See* EX1001 ¶ 301 (quoting EX1047, 5:37-43). And when figures are offered *against* Petitioner, he dismisses them as of “no value,” disputing proportions and

unchallenged, is that absent specific disclosure a POSA understands bayonet-type connections are “typically implemented with orientation-constraining features.”

EX2011 ¶ 84.

As to the third question—the sufficiency of the obviousness Ground—the Reply argues a POSA “would have found it obvious to employ” reversible seats/attachments as “a known, desirable design choice.” Reply 32; EX1082 ¶¶ 21-25. That recasts a disclosure argument as a modification argument. But a petitioner “may not raise in reply ‘an entirely new rationale’ for why a claim would have been obvious.” *Henny Penny Corp. v. Frymaster LLC*, 938 F.3d 1324, 1328-31 (Fed. Cir. 2019); *accord Yita LLC v. MacNeil IP LLC*, 69 F.4th 1356, 1367 (Fed. Cir. 2023) (reply argument to modify reference was “a meaningfully distinct contention” from petition that “focused ... only on what [that reference] discloses”). Mr. Prairie’s Rebuttal now claims he had “opined, as an alternative, that it would have been *obvious to reverse* the seats of Rolicki” (EX1082 ¶ 21), but on cross he conceded he earlier did “not describe modifications.” EX2200, 41:19-42:16, 43:22-44:8 (“[Rolicki’s seats] would already be ... reversible.”). The new

calling views “distorted.” EX1082 ¶¶ 41-43. His say-so merits no weight. 37

C.F.R. § 42.65(a).

theory to modify Rolicki (with or without WO '157 incorporated) should be disregarded. *Henny Penny*, 938 F.3d at 1328-31.⁶

And if considered, the modification theory still fails on its own terms. *KSR* demands a sufficient “articulated reasoning” to re-design Rolicki’s bayonet-type seat mounts so each seat installs in either orientation. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). A conclusory “well known” does not suffice. *Virtek Vision Int’l ULC v. Assembly Guidance Sys., Inc.*, 97 F.4th 882, 887-88 (Fed. Cir. 2024). As in *Virtek*, the Petition and Reply offer nothing beyond “known”—no design need, no market pressure, no problem that reversibility would solve, no “finite number of identified, predictable solutions.” *Id.* (quoting *KSR*, 550 U.S. at 421). Mr. Prairie’s broad “Background” sections supply none of it. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015); *see also* EX2200, 42:9-42:16, 43:22-44:8. Petitioner’s complaint that “PO never grapples with this evidence” (Reply 32) has it backwards: the Response addressed the “well known” assertion directly by noting Petitioner failed to meet its burden. POR 41-43. PO could not

⁶ Additionally, a motivating reason is required even when modifying or “combining” embodiments within a single reference. *In re Stepan Co.*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017); *SIBIA Neurosciences, Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356 (Fed. Cir. 2000).

answer a symmetric-connector theory articulated only after its Response was filed.

Ground 1 fails.

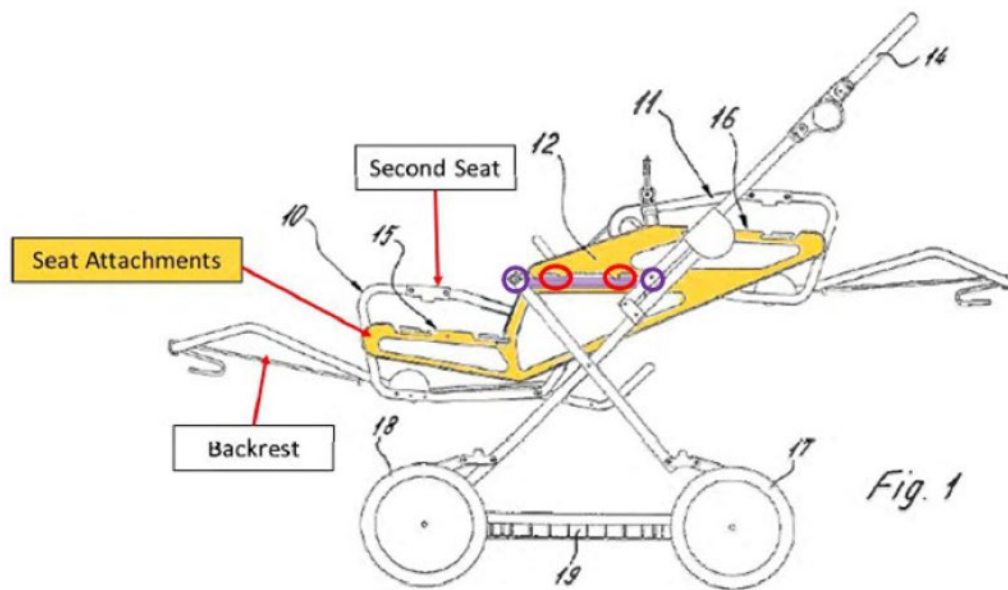
IV. GROUND 2: GOTTING AND BRITAX

Mr. Prairie's rebuttal declaration offers no testimony on this Ground. Every "POSITA would understand" in the Reply (at 32-34) is unsworn attorney argument that fails against Dr. Cameron's unrebutted analysis (EX2011 ¶¶ 91-127). *Gemtron Corp. v. Saint-Gobain Corp.*, 572 F.3d 1371, 1380 (Fed. Cir. 2009).

A. Gotting's adapters are located nowhere along the support members ([1.5b])

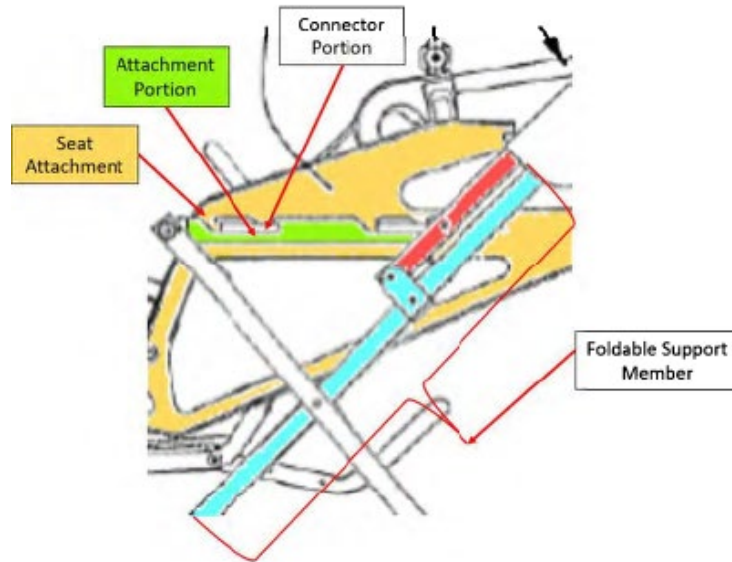
Under the positional construction (Section II.C above), the question is *where* Gotting's alleged "seat attachments" are located—not how they are fastened. The answer is undisputed: Adapters 12 sit nowhere on either support member's length; they hang from a different structure—the fore-aft support bar 22, slung between pins 20/24 atop the front and rear arms 12/16.⁷ EX1041, 3; EX2011 ¶¶ 94, 98 (illustration below), 108-112; POR 49-52. Borrowing [1.5a]'s own verb, the frame "receives" the adapters there—and nowhere else. EX2011 ¶¶ 110-111.

⁷ Petitioner calls front arm 12 the "lower tube (blue)." Pet. 61.



EX1041, Gotting, Fig. 1 (Modified and Annotated)

The result is the same under Petitioner's own definition (Reply 17): the adapters are not “placed through, on, over, or continuously beside” either support member along its course; their only placement is on the support bar—a course crosswise to, not “parallel and close to,” the members' diagonal. The Petition concedes as much. In mapping dependent claims 5/7, it drew the support bars as separate structures (green) from the foldable support members (red/blue) and admitted the adapters connect to the members only “through” the bar. Pet. 75-80; EX1001 ¶¶ 445-448, 454. Gotting does not meet [1.5b].



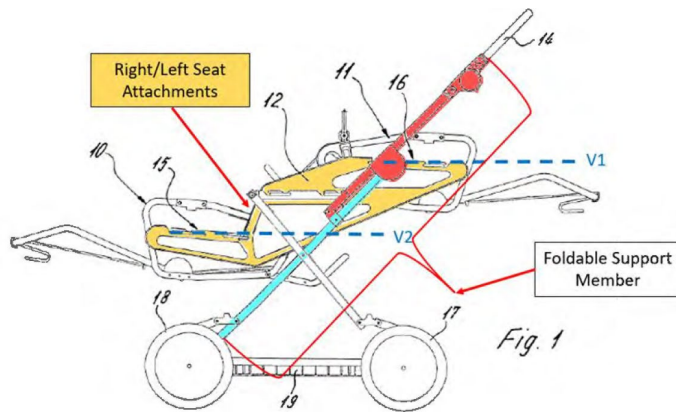
EX1041, Gotting, Fig. 1 (Modified, Cropped and Annotated)

B. The only position the adapters occupy on the frame is one the Petition itself calls handle-proximal ([1.5c])

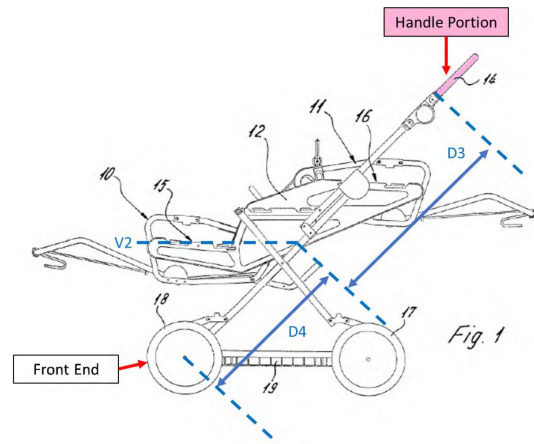
Mr. Prairie agreed that V1' is drawn where adapter 12 attaches to the support bar. EX2100, 179:20-180:5. And the Petition told the Board that V1' is "closer to the pink 'handle portion' than the 'front end portion'" (D1'<D2'). Pet. 66-67; EX1001 ¶ 421. So if the alleged attachments are disposed on the frame at any vertical position, it is V1'—and [1.5c] fails on the Petition's own annotation. EX2011 ¶¶ 113-118. See POR 52-53.

The Reply's answer is that the adapters "sit at a defined vertical location (V2) along the frame." Reply 32-33. But V2 is not where the *adapters* sit on anything: Mr. Prairie drew V2 at "connecting points 15"—where the *second seat* clips onto the adapter. EX1001 ¶¶ 429-432 (below); Pet. 69-70. And no *adapter*

occupies the point where the V2 level crosses either support member—V2 marks a location on the adapter itself, not on the frame.



EX1041, Fig. 1 (Modified)



EX1041, Fig. 1 (Modified)

Calling V2 “the” defined vertical location is not analysis; **it is selecting whichever point the claim needs.** An adapter that “sits at” V2 equally “sits at” V1 (connecting points 16) and V1’ (support bar 22)—Gotting’s flat adapter panel spans all three vertical locations. Nor may Petitioner locate the attachments by where they “functionally locate the second seat.” Reply 33. The claim recites “seat attachments” ([1.5b]) and “second seat” ([1.5d]) as presumptively distinct elements that comprise the “optional seat assembly” [1.5a]. *Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1254 (Fed. Cir. 2010). Limitations [1.5b]-[1.5c] fix the attachments’ position; the seats’ resulting arrangement falls under [1.5e]. *See also* Section II.B. Petitioner’s reading collapses three limitations into one.

The Reply protests that PO “offers no technical basis for fixing the analysis to V1’.” Reply 33. Petitioner has the burden backwards—and the record backwards. 35 U.S.C. § 316(e); *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380-81 (Fed. Cir. 2016). Dr. Cameron explained why V1’ is the attachments’ position: it is their only connection to the frame. EX2011 ¶¶ 112-116; EX2100, 179:20-180:5. Petitioner’s side is bare: Mr. Prairie declined at deposition to explain his reference points, EX2100, 193:23-194:10, 195:25-196:17; POR 53, and his rebuttal declaration says nothing. The “operative position” theory exists only in the Reply,⁸ in the last brief to which no responsive evidence is permitted. *Henny Penny*, 938 F.3d at 1330-31.

C. Gotting’s seats are not “arranged in an inline descending configuration substantially along the plane of the frame” ([1.5e])

The Reply declares a rear seat “higher” and “behind” the forward seat “the hallmark of an inline descending configuration.” Reply 33. That is not the claim. The seats, “when connected to the frame,” must descend “substantially along the plane of the frame”—a plane the claim supplies: the support members extend “substantially within a plane that runs diagonally from the handle portion towards

⁸ Reply 33 cites EX1001 ¶¶ 432-433, but that testimony offers only Prairie’s *conclusion* from his unexplained line-drawing—reinforcing PO’s “conclusory” argument.

the front end portion.” EX1011, claim 1 ([1.3]). The intrinsic anchor the Reply says does not exist (Reply 34) is the claim’s own antecedent, and the specification makes attachment *location* the cause of seat *position*. EX1011, 10:39-47 (“thereby positioning”); Section II.B *supra*. Gotting has no spaced connections to descend along—both seats ride on adapters 12, hung from one location on the support bar. EX2011 ¶¶ 119-122.

Even measured by the seats themselves, the Ground fails: the forward seat sits nearly over the front wheels, jutting past the support member that defines the plane, and the “blue dashed line” remains unexplained by any witness. EX2011 ¶¶ 123-126; *cf.* EX2100, 145:23-149:9 (inline descending achievable “if you want”). The Reply’s “[m]inor offsets or overhangs, common in strollers” (Reply 34) cites nothing and describes neither Gotting nor the claim.

D. The Reply abandons Gotting ¶ [0014]

The Reply nowhere defends the Petition’s alternative mapping premised on Gotting’s passing remark that the adapters “could also be eliminated.” *See* POR 57-58. The POR’s critique stands unanswered: Gotting warns that change “would eliminate the other configuration possibilities,” and neither the Petition nor Mr. Prairie explained where or how such attachments would be formed—much less how they would meet [1.5b], [1.5c], or [1.5e]. EX1041 ¶ [0014]; EX2011 ¶¶ 99-100. The Board may not fill that gap. *Magnum Oil*, 829 F.3d at 1380.

On this Ground, the Board has Dr. Cameron's un rebutted testimony and Petitioner's own concessions on one side, and counsel's unsupported characterizations of Petitioner's exhibits on the other. Ground 2 fails.

V. GROUND 3: OFFORD '341 AND OFFORD '797

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

Petitioner does not contest that its combination "must take the additional, unmotivated step of also reversing one or both individual seats." POR 73-74. The Reply supplies no articulated reason or evidence that a POSA would have taken that step, so the record on this point is un rebutted. *See* EX2200, 78:23-80:1, 70:17-72:14, 73:15-80:1. Obviousness requires "articulated reasoning with some rational underpinning" for each modification needed to reach the claims (*KSR*, 550 U.S. at 418), and that burden "never shifts to the patentee" (*Magnum Oil*, 829 F.3d at 1375).

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

Petitioner defends its motivation to combine by repeating that Offord '341 and '797 disclose a "similar sub-frame arrangement." Reply 39-40. But generalized similarity was never the question. PO identified the *specific* structural features that permit Offord '797's interface portion to be reversed and showed that Offord '341's sub-frame *lacks* them. *See* POR 59-63; EX2011 ¶¶ 146-154. That

showing undermines Petitioner's premise that a POSA would have been motivated to apply Offord '797's reversal technique to Offord '341.

Petitioner does not rebut that showing. It does not consider the features PO identified, contend that Offord '341 has them, or explain why—*despite* their absence—a POSA would nonetheless have expected Offord '341's sub-frame to be reversible. *See* Reply 39-40; EX1082 ¶¶ 26-51 (responding to POR Section IV(C)(3) without addressing the missing features).

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

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

Petitioner invokes *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992) for the proposition that “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.” Reply 35-36. *Fritch* holds no such thing. It identifies inoperability as *one circumstance* in which combination is inappropriate, not an exclusive test. 972 F.2d at 1265 n.12.

The governing standard is broader: a modification is not obvious where the prior art would have “discouraged” a POSA from it or “led [the POSA] in a direction divergent” from it—and evidence short of an explicit or formal teaching away must still be considered if it would have discouraged the combination. *Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.*, 876 F.3d 1350, 1360 (Fed. Cir. 2017).

Under the correct standard, Offord '341 discourages Petitioner's reversal. *See* POR 63-69; EX2011 ¶¶ 155-163; EX2200, 67:23-68:11, 70:2-16, 94:7-17. Mr. Prairie concedes Offord '341 requires keeping the child-carrying units near the center of gravity “to prevent any possibility of dangerous tilting or toppling” (EX2200, 67:23-68:11), yet admits his reversal places the forward cups “forward and lower” of all four cups in unmodified Figure 15, which “affects the center gravity” (EX2200, 94:7-17). He performed no testing or CAD analysis to confirm the result would be stable. EX2200, 70:2-16.

VI. CONCLUSION

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

Respectfully submitted,

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

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

Pursuant to 37 C.F.R. § 42.24(d), Patent Owner certifies that the foregoing Patent Owner's Sur-Reply contains 5,572 words, excluding the portions as permitted by § 42.24(a).

/Warren Thomas/

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

CERTIFICATE OF SERVICE

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

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