

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BABY GENERATION, INC., d/b/a MOCKINGBIRD;  
EVENFLO COMPANY, INC.; and  
MONAHAN PRODUCTS, LLC, d/b/a UPPABABY,  
Petitioner,

v.

BABY JOGGER, LLC,  
Patent Owner.

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IPR2025-01120  
U.S. Patent No. 11,878,729

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**PETITIONER'S BRIEFING ON  
IMPACT OF *REVVO* AND *TESLA* DECISIONS**

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## EXHIBIT LIST

<b>Exhibit</b>	<b>Description</b>
EX1001	Declaration of Douglas S. Prairie, P.E.
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EX1015	U.S. Patent Application No. 14/261,558 File History
EX1016	U.S. Patent Application No. 14/597,420 File History
EX1017	U.S. Patent Application No. 15/225,326 File History
EX1018	U.S. Patent Application No. 15/912,901 File History
EX1019	U.S. Patent Application No. 16/832,429 File History
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EX1021	U.S. Patent Application No. 17/876,492 File History
EX1022	U.S. Patent Application No. 17/877,323 File History
EX1023	U.S. Patent Application No. 18/051,053 File History
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EX1034	U.S. Patent No. 4,398,748
EX1035	U.S. Patent Application Publication No. 2008/0238042
EX1036	RESERVED
EX1037	U.S. Patent No. 6,086,087
EX1038	Contours Options Tandem Stroller Instruction Sheet
EX1039	French Publication FR2615155A1
EX1040	U.S. Patent No. 6,209,892 (“Schaaf”)
EX1041	EP Patent Application Publication No. EP0980810

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EX1051	U.S. Patent No. D593,459 ("Liao")
EX1052	U.S. Patent Application Publication No. 2007/0126206
EX1053	Certified English Translation of TW Design Patent No. D129880
EX1054	Merriam-Webster, Parallel, <a href="https://www.merriam-webster.com/dictionary/parallel">https://www.merriam-webster.com/dictionary/parallel</a> (last visited Feb. 21, 2025)
EX1055	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (6th ed. 2003), Definition of "parallel"
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## I. INTRODUCTION

Joint Petitioner Baby Generation, Inc. d/b/a Mockingbird, Evenflo Company, Inc., and Monahan Products, LLC d/b/a UPPAbaby submit this brief in response to the Board's authorization for supplemental briefing pertaining to claim construction positions advanced by UPPAbaby and PO in their district court litigation. Because Mockingbird, UPPAbaby, and Evenflo jointly filed as the "Petitioner" in IPR2025-01100, -01120, and -01095, the joint Petitioner is submitting briefs addressing claim terms in the -01095, -01100, and -01120 petitions. Evenflo will submit its own brief to address the terms at issue in IPR2025-01122 and IPR2025-01140, where Evenflo is the sole "Petitioner."<sup>1</sup>

Across the jointly filed petitions, Petitioner's positions are fully aligned with the guidance set forth in *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (P.T.A.B Nov. 3, 2025), and *Tesla, Inc. v. Intellectual*

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<sup>1</sup> As discussed in Petitioner's Opposition to PO's Request for Discretionary Denial (Paper 13), the Mockingbird and Evenflo litigations are at the very early stages, with no answer yet filed in the Mockingbird litigation, and a Rule 26(f) conference not yet held in the Evenflo litigation. UPPAbaby and PO recently had a *Markman* hearing in their litigation, but the district court has not issued a claim construction ruling.

*Ventures II LLC*, IPR2025-00340, Paper 18 (P.T.A.B. Nov. 5, 2025). Specifically, Petitioner relied on unpatentability “Grounds” where the prior art satisfies the claim construction positions proposed by both UPPAbaby and PO. As explained below, the joint Petitioner is not pursuing broader interpretations of the claims at the Board while pursuing narrower constructions in litigation to avoid infringement. Petitioner has demonstrated the challenged claims are unpatentable under any reasonable interpretation ensuring claim scope integrity between forums and supporting institution to resolve priority and validity issues at the heart of the related five proceedings.

## II. TERMS CONSTRUED IN THE UPPABABY LITIGATION

### A. “Connector Portion”

In district court, UPPAbaby proposed that “connector portion” means a “male mating element that attaches by insertion into a corresponding part,” while PO argued the term means “feature capable of connecting to a stroller frame.” EX2010, p.6.

In the -01120 petition, all Grounds presented by the joint Petitioner are consistent with *both* UppaBaby and PO’s proposed constructions. Grounds 1–3 rely on prior art references that disclose **male** connector portions inserted into corresponding parts. *See* Paper 1 (“Pet.”), p.33 (Zehfuss), p.70 (Van Dijk), p.104 (Liao). Therefore, Petitioner has not advanced inconsistent claim construction

positions under *Revvo* and *Tesla*.

**B. “Handle Portion”**

In district court, UPPAbaby argued “handle portion” means “lateral frame portion that is grasped when pushing the stroller,” while PO argued the term means “portion of frame coupled to the left and right upper tube support frame.” EX2010, p.13. The main dispute between UPPAbaby’s and PO’s constructions is whether the “handle portion” necessarily includes a lateral frame portion (*i.e.*, a crossbar). *See* EX1047, p.17; EX1081, pp.8-9 (“While the claimed handle portion may include a lateral frame portion that connects to the opposite sides of the upper tube support frame, the claims are not limited to this feature.”).

Because the difference in the two claim constructions is immaterial with respect to the asserted prior art, the –1120 petition does not provide an explicit construction of this term. Additionally, consistent with UPPAbaby’s district court construction, all “handle portion[s]” in the prior art asserted in the –1120 petition include a lateral frame portion (crossbar). *See* Pet., p.21 (Dotsey), p.58 (Van Dijk), p.93 (Liao). Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*.

**C. “Adjacent”**

In district court, UPPAbaby proposed construing “adjacent” as meaning “next to and having contact with,” while PO argued the term means “next to” or “nearby.”

EX2010, p.16. The difference between UPPAbaby's and PO's constructions is whether contact is necessary.

The term "adjacent" was not construed in the -01120 petition because the petition shows that the "adjacent" limitations are satisfied in the prior art regardless of whether "adjacent" requires contact. For example, the -01120 petition shows that the stroller seat support portion is "adjacent" to (and in contact with) the handle portion in the asserted prior art in all Grounds. *See* Pet., p.23 (Dotsey), p.60 (Van Dijk in combination with Schaaf), p.95 (Liao). Therefore, UPPAbaby's construction of "adjacent" is consistent with the arguments made in the -01120 petition.

**D. "Rotated with Respect to," "Closer," and "Substantially Parallel"**

Although the terms "rotated with respect to," "closer," and "substantially parallel" were construed by UPPAbaby and PO in district court, they do not appear in claims of the '729 Patent. Therefore, these terms are not addressed in this Brief in connection with the -01120 IPR.

**III. CONCLUSION**

For the reasons discussed above, denial of the -01120 petition under the reasoning set forth in *Revvo* and *Tesla* is unwarranted.

Respectfully,

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**CERTIFICATE OF COMPLIANCE**

This paper complies with the page limits set forth in the PTAB's November 13, 2025 email authorizing this brief.

Respectfully,

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on this date, I caused a copy of the foregoing Petitioner's Briefing on Impact of *Revvo* and *Tesla* Decisions, and any supporting exhibits filed therewith, to be served via electronic mail to the following counsel pursuant to agreement by the parties:

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