

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BABY JOGGER, LLC,

Plaintiff,

v.

MONAHAN PRODUCTS, LLC, D/B/A
UPPABABY,

Defendant.

Civil Action No. 1:24-CV-11582-ADB

**PLAINTIFF BABY JOGGER, LLC’S ANSWER TO DEFENDANT MONAHAN
PRODUCTS, LLC, D/B/A UPPABABY’S COUNTERCLAIMS**

Plaintiff Baby Jogger, LLC (“Baby Jogger”), by and through its undersigned counsel, hereby responds to Defendant Monahan Products, LLC d/b/a UPPAbaby’s (“UPPAbaby”) Counterclaims as follows:

PARTIES

1. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.
2. Admitted.

JURISDICTION AND VENUE

3. Baby Jogger denies that this Court’s jurisdiction is based on 35 U.S.C. § 1367, but otherwise admits the allegations in this paragraph.
4. Admitted.
5. Admitted.

BACKGROUND

6. Baby Jogger admits that it and its parent company Newell Brands Inc. (formerly named Newell Rubbermaid) sent a letter to UPPAbaby dated December 4, 2015 putting UPPAbaby on notice of U.S. Patent No. 8,955,869 (“the ’869 Patent”) and its infringement of the ’869 Patent. Baby Jogger further admits that Exhibit A to UPPAbaby’s Counterclaims is a partial copy of the December 4, 2015 letter. Baby Jogger denies any remaining allegations in this paragraph.

7. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

8. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

9. Denied.

10. Admitted.

11. Baby Jogger admits that Exhibit B to UPPAbaby’s Counterclaims is a copy of the December 30, 2015 letter sent from UPPAbaby and that the letter contains the quoted language, but otherwise denies the allegations in this paragraph.

12. Baby Jogger admits that Exhibit B to UPPAbaby’s Counterclaims is a copy of a December 30, 2015 letter sent from UPPAbaby and that the letter contains the quoted language, but otherwise denies the allegations in this paragraph.

13. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

14. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

15. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

16. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

17. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

18. Admitted.

19. Admitted.

20. Baby Jogger admits that following the March 15, 2016 letter to UPPAbaby, there were no further formal written communications to UPPAbaby, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and therefore denies these allegations.

21. Baby Jogger admits that Newell Rubbermaid did not file a Complaint against UPPAbaby following the March 15, 2016 letter, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, at least to the extent it refers to Newell Rubbermaid taking “no action against UPPAbaby,” and therefore denies these allegations.

22. Baby Jogger admits that it did not file a Complaint against UPPAbaby until June 18, 2020 (Dkt. 1), but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, at least to the extent it refers to Baby Jogger taking “no action against UPPAbaby,” and therefore denies these allegations.

23. Admitted.

24. Admitted.

25. Baby Jogger admits that on or around April 15, 2016, Jarden Corporation became a direct wholly-owned subsidiary of Newell Brands Inc. and that following this acquisition, Newell Rubbermaid was renamed Newell Brands Inc. Baby Jogger further admits that it is an indirect, wholly owned subsidiary of Newell Brands Inc. Baby Jogger denies any remaining allegations in this paragraph.

26. Baby Jogger admits that it or Newell Brands Inc. did not send any formal written communications to UPPAbaby following the March 15, 2016 letter, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, at least to the extent it refers to what UPPAbaby received, and therefore denies these allegations.

27. Admitted.

28. Baby Jogger admits that Newell Brands Inc. did not file a Complaint against UPPAbaby following the March 15, 2016 letter, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, at least to the extent it refers to Newell Brands Inc. taking “no action against UPPAbaby,” and therefore denies these allegations.

29. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

30. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

31. Admitted.

32. Baby Jogger lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies these allegations.

33. Denied.

34. Baby Jogger denies that the amount of time from September 2008 until the filing of the original Complaint on June 18, 2024 is over sixteen (16) years. Baby Jogger denies any remaining allegations in this paragraph.

35. Baby Jogger admits that it has been bought and sold several times since September 2008, but otherwise lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, at least to the extent it refers to its ownership “chang[ing] hands,” and therefore denies these allegations.

36. Baby Jogger admits that former Baby Jogger Chief Operating Officer Mark Zehfuss and listed inventor on each of the Asserted Patents, is no longer employed by Baby Jogger, but otherwise denies the allegations in this paragraph.

ALLEGED EXEMPLARY PRIOR ART

37. Admitted.

38. Baby Jogger admits that, on its face, U.S. Design Patent No. D593,459 (the “’459 Patent”) identifies Gordon Liao as the sole inventor and Unique Product & Design Co., Ltd. as assignee. Baby Jogger denies any remaining allegations in this paragraph.

39. Baby Jogger admits that, on its face, the ’459 Patent is titled “COMBINATION PUSHCHAIR FRAME” and was filed on September 5, 2008.

40. Denied.

COUNT I

Declaratory Judgment of Invalidity of the '869 Patent

41. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

42. Denied.

43. Admitted.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Baby Jogger admits that an actual case or controversy exists between UPPAbaby and Baby Jogger but otherwise denies the allegations in this paragraph.

51. Denied.

COUNT II

Declaratory Judgment of Invalidity of the '550 Patent

52. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

53. Denied.

54. Admitted.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Baby Jogger admits that an actual case or controversy exists between UPPAbaby and Baby Jogger but otherwise denies the allegations in this paragraph.

67. Denied.

COUNT III

Declaratory Judgment of Invalidity of the '568 Patent

68. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

69. Denied.

70. Admitted.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Baby Jogger admits that an actual case or controversy exists between UPPAbaby and Baby Jogger but otherwise denies the allegations in this paragraph.

86. Denied.

COUNT IV

Declaratory Judgment of Invalidity of the '231 Patent

87. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

88. Denied.

89. Admitted.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Baby Jogger admits that an actual case or controversy exists between UPPAbaby and Baby Jogger but otherwise denies the allegations in this paragraph.

101. Denied.

COUNT V

Declaratory Judgment of Invalidity of the '729 Patent

102. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

103. Denied.

104. Admitted.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. Denied.

116. Baby Jogger admits that an actual case or controversy exists between UPPAbaby and Baby Jogger but otherwise denies the allegations in this paragraph.

117. Denied.

EXCEPTIONAL CASE DETERMINATION

118. The statement in this paragraph is not an allegation to which a response is necessary. To the extent necessary, Baby Jogger incorporates by reference its responses to the proceeding paragraphs as though fully set forth herein.

119. Denied.

DEMAND FOR JURY TRIAL

120. The statement in this paragraph is not an allegation to which a response is necessary. To the extent a response is necessary, Baby Jogger admits that UPPAbaby has requested a trial by jury.

PRAYER FOR RELIEF

Baby Jogger denies that UPPAbaby is entitled to any of the relief, whether requested or not, in the Prayer for Relief in its Counterclaims.

GENERAL DENIAL

Unless expressly admitted herein, Baby Jogger denies every allegation contained in UPPAbaby's Counterclaims.

AFFIRMATIVE DEFENSES

Pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, Baby Jogger asserts the following affirmative defenses to UPPAbaby's allegations in its Counterclaims. By alleging the affirmative defenses below, Baby Jogger does not admit that it has the burden of proof on such matters or that any of the following defenses are not already at issue by virtue of the foregoing responses.

First Affirmative Defense (Unclean hands)

UPPAbaby is not entitled to the relief it seeks because of its unclean hands, at least as a result of its having copied the patented technology.

RESERVATION OF RIGHTS

Baby Jogger reserves the right to add any additional defense that may be revealed during the course of discovery.

JURY DEMAND

Baby Jogger demands a trial by jury of all issues so triable in this action.

PRAYER FOR RELIEF

WHEREFORE, in addition to the relief requested in the First Amended Complaint (Dkt. 29), Baby Jogger prays for the following relief:

A. Judgement against UPPAbaby and in favor of Baby Jogger as to all claims for relief in the Counterclaims;

- B. A declaration that the claims of each of the Asserted Patents are valid and enforceable;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award to Baby Jogger of its reasonable attorneys' fees and costs incurred in this action;
- D. An order awarding Baby Jogger its fees and costs;
- E. Such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Michael Filbin

Wendy K. Venoit (BBO No. 568657)
Michael M. Filbin (BBO No. 705341)
COZEN O'CONNOR
200 State Street, Suite 1105
Boston, MA 02109
Tel: (617) 849-5002
wvenoit@cozen.com
mfilbin@cozen.com

John W. Harbin (Admitted *pro hac vice*)
Georgia State Bar No. 324130
Gregory J. Carlin (Admitted *pro hac vice*)
Georgia State Bar No. 455865
Walter Hill Levie III (Admitted *pro hac vice*)
Georgia State Bar No. 415569
Robert J. Leonard (Admitted *pro hac vice*)
Georgia State Bar No. 303694
MEUNIER CARLIN & CURFMAN LLC
999 Peachtree Street N.E., Suite 1300
Atlanta, Georgia 30309
Telephone: (404) 645-7700
Facsimile: (404) 645-7707
jharbin@mcciplaw.com
gcarlin@mcciplaw.com
tlevie@mcciplaw.com
rleonard@mcciplaw.com

Attorneys for Plaintiff Baby Jogger, LLC

Dated: November 1, 202

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2024, I electronically filed the foregoing document using the CM/ECF system which will send a notification of electronic filing (NEF) to all counsel of record.

/s/ Michael M. Filbin

Michael M. Filbin