

**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

UPPABABY’S INITIAL INVALIDITY CONTENTIONS

Pursuant to Local Rule 16.6(d), the following and attached charts are presented showing that the asserted claims of Baby Jogger’s (“BJ’s”) patents are invalid as anticipated or obvious in light of the prior art. Additionally, the claims are invalid due to numerous defects under 35 U.S.C. § 112. Finally, the claims are invalid due to incorrect inventorship.

UPPAbaby (“UB”) reserves the right to amend these contentions as new information becomes available and depending upon the construction of the claims adopted by the Court. The present document and accompanying charts are presented at the outset of discovery, before the claims have been presented to the court for construction, and are based on the information available to UB at this time.

A. Scope and Content of the Art

BJ has asserted five patents:

US8,955,869 (869 Patent)	US9,403,550 (550 Patent)	US11,192,568 (568 Patent)	US11,505,231 (231 Patent)	US11,878,729 (729 Patent)
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The following references are prior art by virtue of having effective filing dates that predate the earliest possible priority date of the asserted patents.

Reference	Effective Filing Date	Short Name
Vista Stroller	On information and belief this product was available for inspection by the general public at least as early as December 2006.	Vista
Jane Powertwin (w/Acoples Adapter)	On information and belief this product was available for sale in 2004.	Jane
Eddie Bauer Stroller	On information and belief this product was available for sale in 2004.	Eddie Bauer
Kolcraft Stroller	On information and belief this product was available for sale in 2006.	Kolcraft
UPPAbaby Rumble Seat Adapter	On information and belief this product was available for inspection by the general public at least as early as September 7, 2008.	Rumble Seat
US 6,209,892	December 14, 1999	Schaaf

US D594,459	September 5, 2008	Liao
ES 2,253,093	August 6, 2004	Stopp
US 2010/0013281	July 16, 2008	Chen
EP 2009/062495	October 10, 2008	iCandy
US 4,753,453	June 19, 1986	Schilbach
US 2007/0085303	October 12, 2006	Cheng
WO 2008/127128	September 7, 2007	Gower
US 6,585,284	September 21, 2001	Sweeney
US 2004/0032103	August 18, 2003	Hsia
US 2007/0194545	February 21, 2007	Dijk

B. Anticipation

Exhibits A-E indicate which elements of the claims are explicitly disclosed by a given reference. Any reference that discloses each limitation of a claim anticipates that claim.

The following references anticipate claims of the 869 and 550 Patents:

- Liao
- Stopp
- Jane
- Vista with the Rumble Seat

The following references anticipate claims of the 568 Patent:

- Jane
- Vista with the Rumble Seat
- Kolcraft

- Schaaf
- Chen

The following references anticipate claims of the 231 and 729 Patents:

- Jane
- Vista with Rumble Seat
- Kolcraft
- Chen

C. Obviousness

Exhibits A-E indicate which elements of the claims are explicitly disclosed by a given reference. The references disclosed in Exhibits A-E may be combined to render the claims obvious.

With respect to the following obviousness arguments, each motivation given for a combination would also be known to one of ordinary skill in the art prior to the earliest effective filing date of the asserted patents. Each of the motivations is and was therefore general knowledge to one of ordinary skill in the art. Furthermore, each combination would have been obvious to try and would have been highly likely to succeed with minimal experimentation and/or redesigning.

Each of the prior art references disclosed herein may be combined with one or more of the other references disclosed herein as each reference discloses one or more limitations of the asserted claims of the patents-in-suit. Each such possible combination may serve as a basis for invalidating the claims of the prior art.

The combinations are obvious when the combination is no more than the combination of familiar elements according to known methods that yield predictable results. *KSR Int'l Co. v.*

Teleflex, Inc., 550 U.S. 398, 401 (2007). If a technique used to improve one device would be recognized by a skilled artisan to improve another device in a similar way, the technique is obvious unless using the technique is beyond the skill of the artisan. *Id.* There is no need to seek out precise teachings directed to specific subject matter in the challenged claims to bridge the gap between prior art and a conclusion of obviousness. *Id.* at 406. Instead, the common sense, general creativity, and/or background knowledge of a skilled artisan may justify a combination.

1. The 869 Patent

The prior art references disclosed in Exhibits A-E may be combined to render the claims obvious. For example, the following combinations render the claims of the 869 Patent obvious.

Liao in view of Chen render obvious the asserted claims of the 869 Patent. In particular, Chen discloses wherein the same seat may face either forward or backward. Chen accomplishes this using inserts and receptacles that would be obvious to incorporate into Liao because Chen teaches it is desirable to permit the seats to be arranged facing either forward or backward because such functionality is convenient. Chen ¶¶ 5-6.

Stopp in view of Chen renders obvious the asserted claims of the 869 Patent. In particular, Chen discloses wherein the same seat may face either forward or backward. Chen accomplishes this using inserts and receptacles that would be obvious to incorporate into Liao because Chen teaches it is desirable to permit the seats to be arranged facing either forward or backward because such functionality is convenient. Chen ¶¶ 5-6.

Hsia in view of Chen renders obvious the asserted claims of the 869 Patent. In particular, Chen discloses wherein the same seat may face either forward or backward. Chen accomplishes this using inserts and receptacles that would be obvious to incorporate into Liao because Chen

teaches it is desirable to permit the seats to be arranged facing either forward or backward because such functionality is convenient. Chen ¶¶ 5-6.

Hsia in view of Chen and iCandy renders obvious the asserted claims of the 869 Patent. In particular, Hsia and Chen has the features described above. iCandy further introduces an adapter for raising a child seat above the pollution at street level and for other beneficial purposes. iCandy at pg. 16:5-11. iCandy also discloses a detent for holding seats in place, which is beneficial to prevent the seats from detaching once attached. iCandy at pg. 13:30-35, 14:1-2. iCandy also discloses a folding mechanism useful for transporting and storing the stroller. iCandy at pg. 12:21-25. The adapter of iCandy is identical to the claimed adapter and is fully capable for performing any of the claimed adapters functions.

Schilbach in view of Chen renders obvious the asserted claims of the 869 Patent. In particular, Chen adds the forward-rearward facing functionality via its inserts and receptacles, which may be used in place of the pins of Schilbach. Chen teaches that being able to face the seats different ways is convenient. Chen ¶¶ 5-6.

Schilbach in view of Chen and iCandy further renders obvious the asserted claims of the 869 Patent. In particular, to the combination of Schilbach and Chen, iCandy further adds the adapters which may replace the mounting means of Schilbach. It would be obvious to do so at least to raise the seat above street level. iCandy at pg. 16:5-11.

The Rumble Seat Adapter when combined with iCandy and/or Chen renders obvious the asserted claims of the 869 Patent. The combination of the rumble seat adapter with iCandy is motivated to raise the child above the street level. iCandy at pg. 16:5-11. The resulting combination takes the two separate adapters of iCandy and replaces the portion of iCandy which connects to the stroller with the clamps of the rumble seat adapter so that the iCandy adapters

extend upward. To the extent that seat facing functionality is necessary, Chen may provide that functionality on the basis that said functionality is convenient (specifically, the receptacles of Chen may replace the receptacle of the iCandy adapter). Chen ¶¶ 5-6.

Eddie Bauer in view of Chen and/or iCandy renders obvious the asserted claims of the 869 Patent. In particular, Eddie Bauer already includes a seat that can support another seat on top of it (thus making the seat of Eddie Bauer the adapter)—this is for adding car seats in addition to stroller seats. In this way, Eddie Bauer already contemplates using an adapter to add an additional seat. It would be obvious to incorporate iCandy into the design to remove the original seat and replace it with the two adapters from iCandy, and then to install a seat onto said adapters. In addition to the normal motivations, since Chen and iCandy can support any type of stroller seat (e.g., car seat, bassinet, etc), a skilled artisan would be further motivated to make this combination in addition to the ordinary reasons (convenience, raising above street level) given in Chen and/or iCandy because the combination would simplify and reduce the weight when attempting to add a car seat or similar alternative form of seat to the Eddie Bauer stroller.

Kolcraft in view of iCandy render obvious the asserted claims of the 869 Patent. Kolcraft may be combined with iCandy to simply add iCandy's adapter as an additional component between the stroller frame and the seats. This is motivated to raise the child above the level of pollution (e.g., above street level). iCandy at pg. 16:5-11.

Gower in view of Chen and iCandy render obvious the asserted claims. In particular, Chen may provide rear and forward facing seats as well as teaching that the rear seat should be raised above the front seat to provide a view. iCandy may be used to incorporate its adapters into Gower. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

Cheng in view of iCandy renders obvious the asserted claims. In particular, Cheng can be modified to include the adapter of iCandy to raise the child above the level of pollution on the street, and the adapter may plug into Cheng where Cheng's seats plug in. iCandy at pg. 16:5-11. Furthermore, Chen may be combined with Cheng and/or iCandy for the teaching to raise the rear seat to prevent interference when arranging the seats. Chen ¶¶ 5-6.

Jane may be combined with any of the other references. Jane teaches, among other things, an adapter for supporting a car seat on a stroller. The adapter (the acoples adapter) may be included in, for example, Chen or Cheng as an adapter for attaching various types of seat. Jane may also be combined with the Vista and rumble seat to incorporate the acoples adapter into the rumble seat adapter. Jane may be combined with Eddie Bauer to replace the connectors of Eddie Bauer with Jane's acoples adapter to make it more convenient to attach car seats to Eddie Bauer.

Schaaf may be combined with Chen and/or iCandy. In particular, Chen may provide rear and forward facing seats. iCandy may be used to incorporate its adapters into Schaaf, for example, in place of Schaaf's handles. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

2. The 550 Patent

The prior art references disclosed in Exhibits A-E may be combined to render the claims obvious. For example, the following combinations render the claims of the 550 Patent obvious.

Liao in view of Chen render obvious the asserted claims of the 550 Patent. Chen discloses seats that face either forward or backward and it would be obvious to incorporate the functionality of Chen into Liao for convenience. Chen ¶¶ 5-6. Chen also discloses that it is desirable to raise the rear seat to prevent interference between the seats when rearranging them. Chen ¶¶ 24-26. Liao in view Sweeney render obvious the asserted claims of the 550 Patent.

Sweeney teaches that it is desirable to raise the rear seat to provide an unobstructed view to the infant in the back seat. Sweeney at col. 2:27-37. Liao in view of Sweeney and Chen also render obvious the asserted claims of the 550 Patent and may be combined with each other for the same reasons Chen could be combined with Liao and Sweeney could be combined with Liao.

Stopp in view of Chen renders obvious the asserted claims of the 550 Patent. Chen discloses seats that face either forward or backward and it would be obvious to incorporate the functionality of Chen for convenience. Chen ¶¶ 5-6. Chen also discloses that it is desirable to raise the rear seat to prevent interference between the seats when rearranging them. Chen ¶¶ 24-26. Stopp in view of Chen and iCandy also render obvious the asserted claims. It would be obvious to incorporate the detent of iCandy into Stopp to prevent the seats/adapters of Stopp from coming free once connected. Stopp in view of Sweeney also render obvious the asserted claims. Sweeney teaches that it is desirable to raise the rear seat to provide an unobstructed view to the infant in the back seat. Sweeney at col. 2:27-37. Stopp, Chen, and iCandy may also be combined together for the same reasons as given above.

Hsia in view of Chen renders obvious the asserted claims of the 550 Patent. It would be obvious to combine Hsia with Chen to add the forward and rear facing seats of Chen to Hsia. Chen teaches this is convenient. Chen ¶¶ 5-6. Chen also discloses that it is desirable to raise the rear seat to prevent interference between the seats when rearranging them. Chen ¶¶ 24-26. Chen also teaches that it is appropriate to modify the frame to accommodate the second seat and prevent interference between the seats. Chen ¶¶ 26-27. Hsia in view of Chen and iCandy render obvious the asserted claims as well. The adapters of iCandy may replace the adapter of Hsia, and the facing functionality of Chen may be used. iCandy's adapters are desirable to use to raise the seats above the level of pollution. iCandy at pg. 16:5-11.

Schilbach in view of Chen renders obvious the asserted claims of the 550 Patent. It would be obvious to combine Schilbach with Chen to add the forward and rear facing seats of Chen to Schilbach. Chen teaches this is convenient. Chen ¶¶ 5-6. Chen also discloses that it is desirable to raise the rear seat to prevent interference between the seats when rearranging them. Chen ¶¶ 24-26. Schilbach in view of Chen and iCandy also render obvious the asserted claims. The adapter of iCandy may be incorporated into Schilbach (e.g., to replace the mounting means of Schilbach) to raise the child above the level of pollution, as is desirable. iCandy at pg. 16:5-11. The facing of Chen may be retained to permit the seats to face both ways.

The rumble seat in view of Chen and/or iCandy render obvious the asserted claims of the 550 Patent. The rumble seat may be placed on a stroller (such as the stroller of Chen or iCandy). Additionally, the seat frame of the rumble seat may be split in two to support the receptacles of Chen so that the seats attached using the rumble seat adapter may face both ways, as is desirable and convenient. Chen ¶¶ 5-6. The rumble seat already positions the front seat lower than the rear seat. Furthermore, the upper portion of the adapters of iCandy may be integrated into the rumble seat (e.g., attached to the clamps of the rumble seat) to provide lift to children, as is desirable. iCandy at pg. 16:5-11. Thus, the rumble seat may be modified to be two entirely unconnected pieces (when standing on their own) each with a clamp element and a support element capped in a receptacle cup for receiving the seat. This may be combined with the facing functionality of Chen as described.

Kolcraft in view of iCandy renders obvious the asserted claims of the 550 Patent. Kolcraft may be combined with iCandy to simply add iCandy's adapter as an additional component between the stroller frame and the seats. This is motivated to raise the child above the level of pollution (e.g., above street level). iCandy at pg. 16:5-11. In Kolcraft, the rear seat is

already higher than the front seat. However, if more elevation is desired, Sweeney or Chen may be combined with Kolcraft to raise the rear seat even higher, e.g., to provide a view and/or reduce interference between the seats. Sweeney at col. 2:27-37, Chen ¶¶ 24-26.

Gower in view of Chen and iCandy render obvious the asserted claims. In particular, Chen may provide rear and forward facing seats as well as teaching that the rear seat should be raised above the front seat to provide a view. iCandy may be used to incorporate its adapters into Gower. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

Cheng in view of iCandy renders obvious the asserted claims. In particular, Cheng can be modified to include the adapter of iCandy to raise the child above the level of pollution on the street, and the adapter may plug into Cheng where Cheng's seats plug in. iCandy at pg. 16:5-11. Furthermore, Chen may be combined with Cheng and/or iCandy for the teaching to raise the rear seat to prevent interference when arranging the seats. Chen ¶¶ 5-6.

Jane may be combined with any of the other references. Jane teaches, among other things, an adapter for supporting a car seat on a stroller. The adapter (the acoples adapter) may be included in, for example, Chen or Cheng as an adapter for attaching various types of seat. Jane may also be combined with the Vista and rumble seat to incorporate the acoples adapter into the rumble seat adapter.

Schaaf may be combined with Chen and/or iCandy. In particular, Chen may provide rear and forward facing seats. iCandy may be used to incorporate its adapters into Schaaf, for example, in place of Schaaf's handles. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

3. The 568 Patent

The prior art references disclosed in Exhibits A-E may be combined to render the claims obvious. For example, the following combinations render the claims of the 568 Patent obvious.

Liao and Chen and/or Liao and Sweeney render obvious the asserted claims of the 568 Patent. Both Chen and Sweeney teach to raise the rear seat above the front seat to prevent interference and/or provide the rear-seated infant with a better view, and this is therefore an obvious modification to Liao. Sweeney at col. 2:27-37, Chen ¶¶ 24-26.

Stopp in view of Chen and/or Stopp in view of Sweeney render obvious the asserted claims of the 568 Patent. Chen and Sweeney teach to raise the rear seat above the front seat to prevent interference and/or provide the rear-seated infant with a better view, and this is therefore an obvious modification to Stopp. Sweeney at col. 2:27-37, Chen ¶¶ 24-26. Chen also provides receptacles for assisting seats to face both ways, which would be obvious to incorporate into Stopp for their convenience. Chen ¶¶ 5-6.

Hsia in view of Chen renders obvious the asserted claims. In particular, the inserts and receptacles of Chen may be used for connecting the first seat to Hsia, thereby permitting the first seat and second seat to be arranged conveniently facing either way, and both being removable. Chen ¶¶ 5-6. Furthermore, Chen teaches to raise the rear seat above the front seat to prevent interference when manipulating the seats. Chen ¶¶ 24-26. Sweeney teaches the same and may also be used (e.g., with Chen and Hsia, or with just Hsia). Sweeney at col. 2:27-37. Hsia with Sweeney and/or Chen may also incorporate iCandy's folding mechanism. The folding mechanism of iCandy is convenient for storing/transporting the stroller. iCandy at pg. 12:21-25

Schilbach in view of Chen and/or Sweeney renders obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat to prevent interference between the seats and/or to provide a view of the child in the rear seat. Sweeney at col. 2:27-37; Chen ¶¶ 24-26. Schilbach with Sweeney and/or Chen may also incorporate iCandy's folding mechanism. The folding mechanism of iCandy is convenient for storing/transporting the stroller. iCandy at pg. 12:21-25.

It would also be obvious to use the receptacles of Chen to couple the rear seat to Schilbach, thereby permitting both seats to be arranged conveniently facing either way. Chen ¶¶ 5-6.

The rumble seat adapter needs to connect to a stroller on the frame of said stroller. Accordingly, the rumble seat may be the first and second seat attachment adapter itself, or the places on the frame to which the rumble seat attaches may be the seat attachment adapters. Both interpretations are reasonable in view of the language of the claims. In either case, combining the rumble seat adapter with any stroller disclosed herein (e.g., any of the other references or the asserted Vista stroller) renders obvious the claims. To the extent a frame lacks an element, it may be obtained from Chen, Sweeney, or iCandy for the reasons described above.

Kolcraft in view of Chen or Sweeney render obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat for various beneficial reasons including preventing interference between the seats and providing a view for the child in the rear seat. Sweeney at col. 2:27-37; Chen ¶¶ 24-26.

Gower in view of Chen and iCandy render obvious the asserted claims. In particular, Chen may provide rear and forward facing seats as well as teaching that the rear seat should be raised above the front seat to provide a view. iCandy may be used to incorporate its adapters into Gower. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

Cheng in view of iCandy renders obvious the asserted claims. In particular, Cheng can be modified to include the adapter of iCandy to raise the child above the level of pollution on the street, and the adapter may plug into Cheng where Cheng's seats plug in. iCandy at pg. 16:5-11. Furthermore, Chen may be combined with Cheng and/or iCandy for the teaching to raise the rear seat to prevent interference when arranging the seats. Chen ¶¶ 5-6.

Jane may be combined with any of the other references. Jane teaches, among other things, an adapter for supporting a car seat on a stroller. The adapter (the acoples adapter) may be included in, for example, Chen or Cheng as an adapter for attaching various types of seat. Jane may also be combined with the Vista and rumble seat to incorporate the acoples adapter into the rumble seat adapter.

Schaaf may be combined with Chen and/or iCandy. In particular, Chen may provide rear and forward facing seats. iCandy may be used to incorporate its adapters into Schaaf, for example, in place of Schaaf's handles. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

4. The 231 Patent

The prior art references disclosed in Exhibits A-E may be combined to render the claims obvious. For example, the following combinations render the claims of the 231 Patent obvious.

Liao in view of Chen renders obvious the asserted claims. Chen teaches the rear seat should be elevated to reduce interference between the seats. Chen ¶¶ 24-26. Liao in view of Sweeney disclose the asserted claims as well, as Sweeney teaches to elevate the rear seat to provide a view for the child seated therein. Sweeney at col. 2:27-37. Either combination (or a combination of Liao, Sweeney, and Chen) would result in an inline descending configuration of the seats. While Liao discloses a folding mechanism, iCandy in view of any combination of Liao with Sweeney and/or Chen provides a folding mechanism that is convenient for carrying and storing the stroller. iCandy at pg. 12:21-25.

Stopp in view of Chen renders obvious the asserted claims. Chen teaches the rear seat should be elevated to reduce interference between the seats. Chen ¶¶ 24-26. Stopp in view of Sweeney reaches the same result, as Sweeney also teaches to elevate the rear seat to provide a view for the child in the rear seat. Sweeney at col. 2:27-37. Thus the inline descending

configuration is achieved. iCandy further teaches to incorporate a folding mechanism into Stopp in any of its combinations for the convenience of storage and travel with the stroller. iCandy at pg. 12:21-25. Chen teaches that it is convenient to make the seats face both ways, and provides a mechanism for doing so. Chen ¶¶ 5-6.

Hsia in view of Chen and/or Sweeney render obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat above the front seat. Chen ¶¶ 24-26; Sweeney at col. 2:27-37. Thus the inline descending configuration is achieved. Furthermore, any combination of Hsia (e.g., with Chen and/or Sweeney) may be supplemented by iCandy to provide a folding mechanism. iCandy at pg. 12:21-25. Chen teaches that it is convenient to make the seats face both ways, and provides a mechanism for doing so. Chen ¶¶ 5-6.

Schilbach in view of Chen and/or Sweeney render obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat above the front seat. Chen ¶¶ 24-26; Sweeney at col. 2:27-37. Thus the inline descending configuration is achieved. iCandy may be further added to include a lateral folding mechanism in the combination, as iCandy teaches its folding mechanism is convenient for storing and transporting the stroller. iCandy at pg. 12:21-25. Finally, Chen further teaches that it is convenient to have both seats face either way as desired, thus providing the ability for the seats to face forward or backward. Chen ¶¶ 5-6.

The rumble seat adapter may be combined with any stroller to render obvious the asserted claims, e.g., the Vista, Liao, Chen, Sweeney, Stop, and so forth. In particular, the combination of the rumble seat with the Vista stroller renders obvious the asserted claims because the Vista provides all the elements of the stroller frame called for in the claims, and the rumble seat is configured to provide the inline descending configuration by default. The rumble seat adapter in

view of the Vista may be further combined with Chen to provide the front and rear facing seat functionality, as this is convenient as taught by Chen. Chen ¶¶ 5-6.

Kolcraft in view of common sense renders obvious the asserted claims. In particular, elements like the parallel or substantial parallel positioning of frame elements is a design choice that would be obvious to POSA to make, would require no serious experimentation, and would have a high likelihood of success.

Gower in view of Chen and iCandy render obvious the asserted claims. In particular, Chen may provide rear and forward facing seats as well as teaching that the rear seat should be raised above the front seat to provide a view. iCandy may be used to incorporate its adapters into Gower. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

Cheng in view of iCandy renders obvious the asserted claims. In particular, Cheng can be modified to include the adapter of iCandy to raise the child above the level of pollution on the street, and the adapter may plug into Cheng where Cheng's seats plug in. iCandy at pg. 16:5-11. Furthermore, Chen may be combined with Cheng and/or iCandy for the teaching to raise the rear seat to prevent interference when arranging the seats. Chen ¶¶ 5-6.

Jane may be combined with any of the other references. Jane teaches, among other things, an adapter for supporting a car seat on a stroller. The adapter (the acoples adapter) may be included in, for example, Chen or Cheng as an adapter for attaching various types of seat. Jane may also be combined with the Vista and rumble seat to incorporate the acoples adapter into the rumble seat adapter.

Schaaf may be combined with Chen and/or iCandy. In particular, Chen may provide rear and forward facing seats. iCandy may be used to incorporate its adapters into Schaaf, for example, in place of Schaaf's handles. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

5. The 729 Patent

The prior art references disclosed in Exhibits A-E may be combined to render the claims obvious. For example, the following combinations render the claims of the 729 Patent obvious.

Liao in view of Chen renders obvious the asserted claims. Chen teaches the rear seat should be elevated to reduce interference between the seats. Chen ¶¶ 24-26. Liao in view of Sweeney disclose the asserted claims as well, as Sweeney teaches to elevate the rear seat to provide a view for the child seated therein. Sweeney at col. 2:27-37. Either combination (or a combination of Liao, Sweeney, and Chen) would result in an inline descending configuration of the seats. While Liao discloses a folding mechanism, iCandy in view of any combination of Liao with Sweeney and/or Chen provides a folding mechanism that is convenient for carrying and storing the stroller. iCandy at pg. 12:21-25.

Stopp in view of Chen renders obvious the asserted claims. Chen teaches the rear seat should be elevated to reduce interference between the seats. Chen ¶¶ 24-26. Stopp in view of Sweeney reaches the same result, as Sweeney also teaches to elevate the rear seat to provide a view for the child in the rear seat. Sweeney at col. 2:27-37. Thus the inline descending configuration is achieved. iCandy further teaches to incorporate a folding mechanism into Stopp in any of its combinations for the convenience of storage and travel with the stroller. iCandy at pg. 12:21-25. Chen teaches that it is convenient to make the seats face both ways, and provides a mechanism for doing so. Chen ¶¶ 5-6.

Hsia in view of Chen and/or Sweeney render obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat above the front seat. Chen ¶¶ 24-26; Sweeney at col. 2:27-37. Thus the inline descending configuration is achieved. Furthermore, any combination of Hsia (e.g., with Chen and/or Sweeney) may be supplemented by iCandy to provide a folding

mechanism. iCandy at pg. 12:21-25. Chen teaches that it is convenient to make the seats face both ways, and provides a mechanism for doing so. Chen ¶¶ 5-6.

Schilbach in view of Chen and/or Sweeney render obvious the asserted claims. Both Chen and Sweeney teach to raise the rear seat above the front seat. Chen ¶¶ 24-26; Sweeney at col. 2:27-37. Thus the inline descending configuration is achieved. iCandy may be further added to include a lateral folding mechanism in the combination, as iCandy teaches its folding mechanism is convenient for storing and transporting the stroller. iCandy at pg. 12:21-25. Finally, Chen further teaches that it is convenient to have both seats face either way as desired, thus providing the ability for the seats to face forward or backward. Chen ¶¶ 5-6.

The rumble seat adapter may be combined with any stroller to render obvious the asserted claims, e.g., the Vista, Liao, Chen, Sweeney, Stop, and so forth. In particular, the combination of the rumble seat with the Vista stroller renders obvious the asserted claims because the Vista provides all the elements of the stroller frame called for in the claims, and the rumble seat is configured to provide the inline descending configuration by default. The rumble seat adapter in view of the Vista may be further combined with Chen to provide the front and rear facing seat functionality, as this is convenient as taught by Chen. Chen ¶¶ 5-6.

Kolcraft in view of common sense renders obvious the asserted claims. In particular, elements like the parallel or substantial parallel positioning of frame elements is a design choice that would be obvious to POSA to make, would require no serious experimentation, and would have a high likelihood of success.

Gower in view of Chen and iCandy render obvious the asserted claims. In particular, Chen may provide rear and forward facing seats as well as teaching that the rear seat should be

raised above the front seat to provide a view. iCandy may be used to incorporate its adapters into Gower. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

Cheng in view of iCandy renders obvious the asserted claims. In particular, Cheng can be modified to include the adapter of iCandy to raise the child above the level of pollution on the street, and the adapter may plug into Cheng where Cheng's seats plug in. iCandy at pg. 16:5-11. Furthermore, Chen may be combined with Cheng and/or iCandy for the teaching to raise the rear seat to prevent interference when arranging the seats. Chen ¶¶ 5-6.

Jane may be combined with any of the other references. Jane teaches, among other things, an adapter for supporting a car seat on a stroller. The adapter (the acoples adapter) may be included in, for example, Chen or Cheng as an adapter for attaching various types of seat. Jane may also be combined with the Vista and rumble seat to incorporate the acoples adapter into the rumble seat adapter.

Schaaf may be combined with Chen and/or iCandy. In particular, Chen may provide rear and forward facing seats. iCandy may be used to incorporate its adapters into Schaaf, for example, in place of Schaaf's handles. Chen ¶¶ 5-6, 24-26; iCandy at pg. 16:5-11.

6. Other Remarks

With respect to each of the asserted patents, Jane, Vista, Rumble Seat, Eddie Bauer, and/or Kolcraft (the "product" prior art) may be combined with one another. Not only do many of these references anticipate claims of the asserted patents, but each of these references may be combined to disclose the claims of the asserted patents.

For example, Jane may be combined with Vista and Rumble Seat to incorporate the acoples adapters directly into Vista's frame or into the rumble seat for the added convenience this would provide. The acoples adapters may also be incorporated into Eddie Bauer to make it

easier to couple car seats to Eddie Bauer, thereby expanding the useability of Eddie Bauer. The Acoples adapter may be incorporated into Kolcraft for similar reasons.

Vista and Rumble Seat may incorporate Kolcraft's connectors for seat facing to boost convenience and to improve the versatility of the Vista and Rumble Seat. Vista and Rumble Seat may include elements from Eddie Bauer, for example, the seat facing capability of Eddie Bauer, to boost convenience and versatility. Eddie Bauer and Kolcraft may be combined to incorporate Kolcraft's connectors into Eddie Bauer, so that Eddie Bauer's rear and front seat can both face both ways and can be easily removed, and so forth. Each possible combination of the product prior art discloses the elements of the asserted claims.

D. Section 112

1. The 869 Patent

In claims 4 and 27 there are improper dependent claims under § 112 because the terms fail to specify further limitations of the subject matter claimed. Specifically, "the first end" of the attachment portion in claims 4 and 27 is a functional duplicate of the "connector portion" in claim 1.

In claims 5 and 28 there are improper dependent claims under § 112 because the terms fail to specify further limitations of the subject matter claimed. Specifically, "the second end" of the attachment portion in claims 5 and 28 is a functional duplicate of the "seat support elements" in claim 1.

2. The 550 Patent

In claim 1, there is a clause that is indefinite under § 112 because the claim fails to establish what is closer to the handle than the first seat: "[...] a first seat coupled to the stroller

frame at a first vertical position of the stroller frame closer to a handle of the stroller.” That is, “closer” is a relative term but the relationship is not defined in the claims.

In claim 1, there is a clause that is indefinite under § 112 because the claim fails to establish what is closer to the front wheels than the second seat attachment: “[...] a second seat attachment coupled to the stroller frame at a second vertical position substantially below the first vertical position and closer to the front wheels.” That is, “closer” is a relative term but the relationship is not defined in the claims.

In claim 1, there is a clause that is indefinite under § 112 because the claim fails to establish what is closer to the left front wheel than the first connector portion: “[...] a first connector portion releasably connected to the stroller frame closer to a left front wheel.” That is, “closer” is a relative term but the relationship is not defined in the claims.

In claim 1, there is a clause that is indefinite under § 112 because the claim fails to establish what is closer to the right front wheel than the second connector portion: “[...] a second connector portion releasably connected to the stroller frame closer to a right front wheel.” That is, “closer” is a relative term but the relationship is not defined in the claims.

Claim 7 contains the same issues as claim 1 and is indefinite for the same reasons as claim 1.

3. The 568 Patent

Claim 1 contains indefinite clauses under § 112 because the claim fails to define “substantially parallel” and does not indicate the degree the first front wheel support frame must be set to not be substantially parallel with respect to the first upper tube support frame: “[...] a first front wheel support frame rotatably adjusted to be substantially parallel with respect to the first upper tube support frame.”

Claim 1 contains indefinite clauses under § 112 because the claim fails to define “substantially parallel” and does not indicate the degree the second front wheel support frame must be set to not be substantially parallel with respect to the second upper tube support frame: “[...] a second front wheel support frame rotatably adjusted to be substantially parallel with respect to the second upper tube support frame.”

3. The 231 Patent

Claim 1 contains indefinite clauses under § 112 because the claim fails to define “substantially parallel” and does not indicate the degree the front wheel support portion must be set to not be substantially parallel to the handle portion: “[...] the front wheel support portion and the handle portion are substantially parallel when the frame is in the unfolded configuration.”

Claim 1 contains indefinite clauses under § 112 because the claim fails to define “substantially lower” and does not indicate how far below the first vertical position the second vertical position must be to be substantially below the first vertical position: “[...] a front seat attachment configured for attachment to the front wheel support portion at a second vertical position substantially lower than the first vertical position.”

Claim 1 contains indefinite clauses under § 112 because the claim fails to define “substantially over” and does not indicate how to determine whether a seat attachment (or other element) is substantially over the front wheels: “[...] the front seat attachment is configured to support the front stroller seat substantially over the front wheels.”

Claim 3 contains indefinite clauses under § 112 because “substantially over” is not defined and it is not clear how far over the rear wheels the rear stroller seat must be. Furthermore, it is unclear to what degree the rear stroller seat must be over the stroller seat

support portion to be supported: “[...] the stroller seat support portion is configured to support the rear stroller seat substantially over the rear wheels.”

Claims 1, 3, 15, and 16 fail to comply with the written description requirement of § 112. Specifically, the stroller seat support portion was not adequately described in the specification. It is unclear what component of the stroller is meant to be the stroller seat support portion.

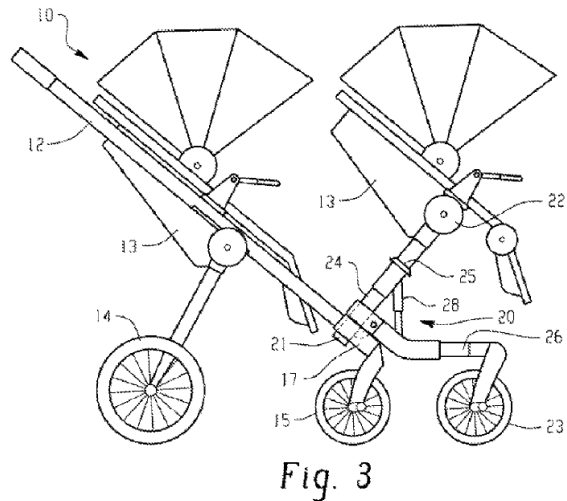
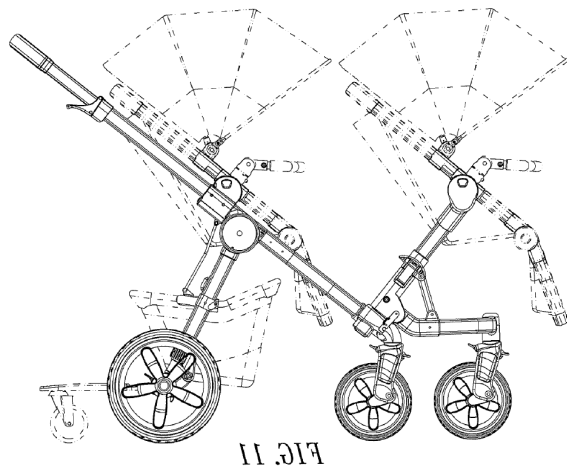
Claim 1 fails to meet the enablement requirement or written description requirement of § 112. The below elements of claim 1 regarding the handle portion (ref. no. 81d, see, e.g., Fig. 8A) are not adequately shown or described in the specification:

- “[...] the frame includes a stroller seat support portion positioned at a first vertical position adjacent the handle portion”
- “[...] the front wheel support portion and the handle portion are substantially parallel when the frame is in the unfolded configuration”
- “[...] the rear wheel support portion is disposed adjacent to both the front wheel support portion and the handle portion when the frame is in the folded configuration”

E. Inventorship

The inventorship of the asserted patents is incorrect. Each patent omits a necessary inventor—Gordon Liao. As a result, each patent is invalid for failing to include the inventor.

Each patent in the asserted family of patents claims priority to a U.S. provisional patent application filed on December 4, 2008. However, before that provisional was filed, Gordon Liao filed a design patent in the United States which disclosed the very design allegedly invented by Mark Zehfuss:



The figure on the left is from Liao’s design patent, the figure on the right is from Zehfuss’s patent application. The similarities are striking, in particular, that Liao’s earlier filed drawing is identical to Zehfuss’s later filed drawing in all material respects, though Liao’s drawing is somewhat more detailed.

The reasons for these similarities are straightforward: BJ employed Unique Product & Design Company—the company Liao worked for—to design products for them. Liao was the actual designer on this stroller: he conceived of it, came up with its features, and reduced it to practice.

BJ has been aware of the Liao patent for some time. During the prosecution of US Pat. Appl. 16/832,429, the U.S. Patent & Trademark Office (“PTO”) used Liao as part of a rejection. BJ failed to contest inventorship at that time, and BJ’s sole argument was that Liao did not show seats at different heights. Recently, in a rejection issued just last year, the PTO relied on Liao against a patent application that is part of the patent family of the asserted patents in this case. *See Final Rejection (7/25/14) for U.S. Pat. App. 18/448,417.* Again, BJ failed to contest inventorship.

It is clear that BJ would have contested inventorship if it could have. However, in the years since the PTO first asserted Liao against BJ's patents, BJ has failed to add Liao as an inventor, despite being the inventor of the alleged inventions. This failure cannot be cured so long after these patents were filed, especially given the prejudice faced by UB now that the patents have been asserted against it.

Therefore, all the patents asserted by BJ, and all of the patents in this patent family, are invalid for improper inventorship.

Furthermore, Jon Hee Lee, Megan Rose, and Stacy Noel Simpson are the sole inventors for U.S. Provisional Patent App. 62/311,244 (244 Provisional) underlying the 231 and 729 Patents. These inventors should be included in the 231 and 729 Patents but are not. Therefore, the 231 and 729 Patents are invalid for improper inventorship.

F. Priority

The 231 and 568 Patents include claims having the "substantially parallel" limitation. These claims lack support. Boilerplate language using "substantially parallel" appears in the patents, but is not used to describe the relationship between components of the claims (e.g., there is no description of what parts of the stroller are "substantially parallel" to one another, or even how to judge such a thing). Furthermore, the 568 Patent includes claim limitations for housings that were first disclosed in the 244 Provisional. The 244 Provisional was filed in 2016, well after the AIA took effect, and thus the patents claiming priority to the 244 Provisional are examined under the AIA.

Should the Court find these patents or claims of these patents not entitled to the priority dates claimed by the patents, then the scope of prior art will change to encompass a large array of

references. UPPAbaby reserves the right to supplement its invalidity position to include more recent prior art should the patents be found to not be entitled to the listed priority dates.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 14, 2025, I served the foregoing on all counsel of record via electronic mail, at the email address listed on the Court's CM/ECF system.

/s/ Andrea B. Reed

Andrea B. Reed