

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER II, LLC,
Patent Owner.

IPR2025-01122 and IPR2025-01140

Patents 11,731,682 and 11,577,771

Declaration of Warren J. Thomas

I, Warren J. Thomas, hereby declare as follows:

1. I am over the age of 18 and am competent to submit this declaration.

The statements herein are based on my personal knowledge.

2. I am a Principal with Meunier Carlin & Curfman LLC (MCC) and am Lead Counsel for Patent Owner Baby Jogger in two *inter partes* Review (IPR) Petitions filed by Petitioner Evenflo: IPR2025-01122 (the 1122 IPR) and IPR2025-01140 (the 1140 IPR).

3. The Patent Owner's Responses necessarily relied upon and cited to the expert declaration of Dr. Kimberly Cameron,¹ which was still being finalized as of the due date.

4. Early Thursday morning, March 26, Dr. Cameron informed counsel that she believed that certain work within the declaration she had substantially completed was missing from the document. She therefore spent time on Thursday rewriting portions of the declaration that were, in fact, present in the "tracked changes" view of the document.

¹ Due to the overlapping subject matter and some overlapping prior art and arguments, Dr. Cameron submitted a single declaration addressing both proceedings and both challenged patents.

5. Subsequently, there was a misunderstanding between Counsel and Dr. Cameron about where her revisions to the declaration were located, causing further miscommunication and confusion about the status of the declaration.

6. These factors delayed her and Counsel's final review of the declaration and, consequently, the Responses.

7. Dr. Cameron completed her revisions to the portions at issue and approved the full declaration shortly after midnight, on Friday March 27.

8. The Patent Owner Response documents themselves and the declaration were otherwise completed well before the deadline, but for certain portions depending on the yet-to-be-finalized testimony of the expert.

9. Patent Owner's counsel then worked diligently to finalize the two Responses in view of the completed declarations. The expert declaration and Patent Owner Response in IPR2015-01122 were completed and filed at approximately 1:15 AM on March 27, 2026, about one hour and fifteen minutes after the midnight deadline.

10. The Patent Owner Response in IPR2015-01140 was finalized shortly thereafter and filed at approximately 1:45 AM—one hour and forty-five minutes after the midnight deadline.

11. While counsel still expected that the declaration would be completed before the midnight deadline, counsel recognized that there was a risk the filings

could be close to the deadline. To mitigate the potential for issues and minimize the time needed to complete the filings later, counsel directed that certain exhibits wholly independent of the expert's work be filed in advance of the Responses. Thus, five exhibits were filed in each proceeding between approximately 6:17 PM and 6:22 PM. Later, at approximately 11:30 PM, counsel directed that two additional exhibits (Dr. Cameron's CV and an annotated figure cited in her declaration) be filed in both proceedings.

12. Patent Owner served copies of the two Responses and supporting exhibits on Petitioner's counsel at approximately 1:30 AM (for IPR2025-01122) and 1:45 AM (for IPR2025-01140).

13. Patent Owner promptly notified Petitioner's counsel of the late filing and asked whether Petitioner would stipulate (post hoc) to a one-day extension of time on the Responses or not oppose a request for other relief.

14. The parties conferred by email on Friday, March 27,² including a request by Petitioner for additional information about the circumstances Patent Owner would contend constitutes "good cause" for the delay. Petitioner ultimately indicated it would not oppose Patent Owner requesting relief from the Board.

² Petitioner's lead counsel indicated to me that he was traveling that day.

I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

Dated: April 1, 2026

Signature: /Warren Thomas/
Warren J. Thomas