

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BABY JOGGER, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-723 (GBW)
)	
EVENFLO COMPANY, INC.,)	
)	
Defendant.)	

EVENFLO’S REPLY BRIEF REGARDING THE MOTION TO STAY

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TABLE OF CONTENTS

	Page
II. ARGUMENT	2
A. Complete Overlap and Judicial Economy Strongly Favor a Stay.....	2
1. A Stay Will Substantially Simplify or Conclude This Litigation.....	2
2. Baby Jogger's Prematurity Argument Is Misplaced	3
B. The Early Stage of This Case Favors a Stay.....	4
C. Baby Jogger Will Not Suffer Undue Prejudice.....	5
1. Baby Jogger's Lack of Urgency and Dilatory Conduct Belies Prejudice	6
2. The Expedited IPR Timeline Reduces Potential Prejudice.....	6
3. PTAB’s Expertise on Priority Dispute Favors Stay.....	7
II. CONCLUSION.....	8

TABLE OF AUTHORITES

	Page(s)
Cases	
<i>Arch Chemicals, Inc. v. Sherwin-Williams Company et al.</i> , C.A. No. 18-2037, D.I. 48 (D. Del. Nov. 5, 2019)	3
<i>E-Watch, Inc. v. Lorex Can., Inc.</i> , No. H-12-3314, 2013 WL 5425298 (S.D. Tex. Sept. 26, 2013).....	7
<i>Inpria Corp. v. Lam Rsch. Corp.</i> , 2024 WL 2111989 (D. Del. 2024).....	6
<i>Invensas Corp. v. Samsung Elecs. Co.</i> , 2018 WL 4762957 (D. Del. 2018).....	4
<i>RideShare Displays, Inc. v. Lyft, Inc.</i> , 2021 WL 7286931 (D. Del. 2021).....	4
<i>TruePosition, Inc. v. Polaris Wireless, Inc.</i> , 2013 WL 5701529 (D. Del. 2013).....	3, 4

I. INTRODUCTION

Defendant Evenflo Company, Inc. (“Evenflo”) submits this Reply Brief in support of its Motion to Stay pending the conclusion of the Inter Partes Review (“IPR”) proceedings before the Patent Trial and Appeal Board (“PTAB”) concerning all five asserted patents.

Baby Jogger’s opposition confirms that a stay is warranted. It is undisputed that Evenflo has filed IPR petitions challenging every asserted claim of all five asserted patents. It is also undisputed that this case is in its infancy, having not advanced beyond the pleading stage, with no scheduling order entered and no discovery conducted. A stay pending the PTAB’s institution decisions—which are expected in just three (3) months (starting January 2, 2026)—and any subsequent final written decisions will dramatically simplify, or entirely eliminate, this case, thus conserving significant party and judicial resources.

Baby Jogger’s arguments against a stay are unpersuasive and rely on factually inapposite case law. First, Baby Jogger’s primary contention—that a stay is premature before an institution decision—ignores precedent where courts in this District have granted pre-institution stays, particularly where, as here, the potential for simplification is complete and the case is in its earliest stages. Second, Baby Jogger cannot credibly claim undue prejudice, as its own delay in bringing suit, followed by a year-long delay in prosecuting this case coupled with its failure to seek a preliminary injunction, belie any asserted urgency or competitive harm. Baby Jogger’s attempt to shift blame onto Evenflo for the case’s early posture is unfounded. It was Baby Jogger—not Evenflo—that chose to initiate this lawsuit, and there is no reason why a defendant would seek to accelerate litigation that it did not file.

For these reasons, the Court should grant Evenflo's motion and stay this case.

II. ARGUMENT

A. Complete Overlap and Judicial Economy Strongly Favor a Stay

1. A Stay Will Substantially Simplify or Conclude This Litigation

The most important factor—simplification of the issues—weighs heavily in favor of a stay. In its IPR petitions, Evenflo has challenged all 46 asserted claims across the five patents-in-suit. This complete overlap creates a powerful case for simplification that strongly favors a stay. If the PTAB invalidates all asserted claims, this case will unquestionably become simpler—it will be eliminated entirely. This outcome would represent the “ultimate simplification of the issues” cited as the objective of IPR. The outcome of the PTAB proceedings, if instituted, could occur sixteen months from now (by January 2027). Proceeding with discovery and *Markman* in the interim would force the parties and the Court to expend significant resources that may be rendered unnecessary by the PTAB’s decisions.

Moreover, even a partial finding of unpatentability would simplify the issues for trial. This Court will receive the PTAB's expert guidance on claim construction and complex priority issues, and additional prosecution history will be created. In addition, given Evenflo’s “*Sotera*” stipulation that if the PTAB institutes the IPRs, the Petitioner will not pursue invalidity grounds in the district court based on the prior art or combinations asserted in the IPR petitions, the invalidity issues remaining for trial will be substantially narrowed.

Congress established IPR procedures as an expedited, quick, and cost-effective alternative to litigation designed to enhance the role of the PTO and limit the burden of litigation on courts and parties. Allowing the case to proceed now would violate the policy objective of conserving judicial and party resources.

2. Baby Jogger's Prematurity Argument Is Misplaced

Baby Jogger's argument that a stay is premature before institution misses the mark. Courts in this district have granted pre-institution stays where all asserted claims are challenged because the potential for simplification is so high. The fact that institution is not guaranteed does not mean simplification is "purely speculative." Rather, the potential for total simplification, when viewed alongside the early stage of the case, strongly favors a stay now to avoid wasting party and judicial resources on issues that the PTAB may soon render moot.

Although Baby Jogger correctly notes that some courts deny a stay before institution, Baby Jogger fails to recognize that courts have granted pre-institution stays where, as here, the potential for simplification is high and the case is in its earliest stages. In *Arch Chemicals*, Judge Stark granted a stay before institution where the petitions challenged every asserted claim, emphasizing that the case was at a "nascent" stage and the institution decision was imminent, favoring a short stay to avoid wasting resources. (Ex. 9).¹ Evenflo's request is justified because substantial judicial resources will be wasted if the case proceeds through complex discovery and claim construction only to be entirely wiped out in 16 months.

The cases on which Baby Jogger relies were procedurally or factually more advanced or involved only partial overlap between the IPRs and the litigation and thus had less potential for simplification. *TruePosition* was far more advanced than here, and the Court noted that claim construction briefing was complete, a *Markman* hearing had occurred, and fact discovery was nearly closed. *TruePosition, Inc. v. Polaris Wireless, Inc.*, 2013 WL 5701529, at *4 (D. Del. 2013). Here, there has been no scheduling conference, discovery or claim construction.

¹ Oral Order from *Arch Chemicals, Inc. v. Sherwin-Williams Company*, C.A. No. 18-2037-LPS, D.I. 48 (D. Del. Nov. 5, 2019).

Furthermore, in *TruePosition*, the Court emphasized that “the scope of the issues in litigation substantially exceeds the scope of the issues on review” because not all the asserted claims were subject to the IPR. *Id.* at *5. Here, in contrast, all asserted claims are challenged.

In *Invensas*, the Court found the stage-of-litigation factor weighed against a stay because claim construction briefing was complete and most fact discovery “was completed.” *Invensas Corp. v. Samsung Elecs. Co.*, 2018 WL 4762957, at *4 (D. Del. 2018). The Court also noted that because some asserted claims and invalidity defenses were not before the PTO, a stay “would not conserve significant resources.” *Id.* By contrast, here, no discovery has occurred, and all asserted claims are challenged, which maximizes the potential resource savings from a stay.

In *RideShare Displays*, the Court noted that the PTAB had only a 56% institution rate and that the IPR petitions were not statistically independent, making simplification less certain. *RideShare Displays, Inc. v. Lyft, Inc.*, 2021 WL 7286931, at *2 (D. Del. 2021). Here, Evenflo’s five separate petitions cover a complex family of patents with significant priority disputes, making them distinct inquiries for the PTAB.

Ultimately, the complete overlap between the IPRs and this litigation creates a powerful case for simplification that strongly favors a stay.

B. The Early Stage of This Case Favors a Stay

This case has not advanced beyond the pleading stage. No scheduling order has been entered, no discovery has occurred, and no substantive litigation milestones have been met. This early posture strongly favors a stay.

Baby Jogger attempts to twist this factor by arguing that Evenflo is solely to blame for the delay by refusing to participate in a Rule 26(f) conference in August 2025, i.e., 14 months after Baby Jogger filed its Complaint. This argument fails on its face because Baby Jogger let its own case languish for more than a year before even requesting a Rule 26(f) conference. Evenflo’s

rejection of that late-requested conference—requested only after Evenflo filed five IPR petitions and with institution decisions just months away—was not a cause of delay but a reasonable effort to promote efficiency and conserve resources.

Baby Jogger's own conduct in pursuing a scheduling order further confirms that any delay rests with Baby Jogger, not Evenflo. On August 11, 2025, Baby Jogger's counsel requested a meet-and-confer to schedule a Rule 26(f) conference. (D.I. 21-1, Ex. 4 at PageID#:1642.) Evenflo's counsel responded the same day, opposing the request and urging that the parties jointly seek a stay given the pending IPRs—an approach that would conserve judicial resources, avoid duplicative proceedings, and promote efficiency. (D.I. 21-1, Ex. 5 at PageID#:1644.) Baby Jogger then went silent for more than a week, before stating on August 19, 2025, that it intended to file a letter with the Court and would meet-and-confer regarding Evenflo's request for a stay. (Ex. 10.) Baby Jogger's unexplained delay in responding directly contradicts its attempt to cast Evenflo as the party dragging its feet.

This case is at an indisputably nascent stage, and further delay for the purpose of awaiting imminent institution decisions conserves significant resources. This factor weighs heavily in favor of granting a stay.

C. Baby Jogger Will Not Suffer Undue Prejudice

The third factor asks whether a stay would cause Baby Jogger to suffer undue prejudice or allow Evenflo to gain a clear tactical advantage. Again, Baby Jogger did not seek a preliminary injunction, and its own dilatory actions both before and after filing suit demonstrate a complete lack of urgency that belies its claims of prejudice. Evenflo will not gain a tactical advantage as the issue of validity, if the PTAB institutes the pending IPRs, will be decided by the PTAB. Baby Jogger will have the opportunity to defend its patents if the IPRs are instituted, just

as if the invalidity was argued before this Court. Thus, Baby Jogger has failed to demonstrate that it will suffer undue prejudice from a stay.

1. Baby Jogger's Lack of Urgency and Dilatory Conduct Belies Prejudice

Baby Jogger's own conduct directly undercuts its claims of undue prejudice. Baby Jogger waited years after the accused products were launched to file suit and demonstrated no urgency to proceed after filing this case in June 2024. Again, Baby Jogger took no steps to advance the litigation for nearly a year (October 2024 to August 2025). Plaintiff's delays negate any arguments of timely enforcement.

Baby Jogger also did not seek a preliminary injunction, which further undercuts any claim that it is unduly prejudiced by a stay and belies its claims of undue prejudice in the marketplace. A patentee must demonstrate that monetary damages will be insufficient to remedy their losses to show undue prejudice. This failure strongly contradicts any assertion of irreparable competitive harm from delay.

2. The Expedited IPR Timeline Reduces Potential Prejudice

Evenflo filed its IPR petitions in June 2025, prior to the expiration of the one-year statutory window (June 2024 to June 2025). Evenflo filed its IPR petitions before any procedural aspect of this case had begun, like discovery or claim construction briefing. Evenflo even properly sought a stay after Baby Jogger attempted to initiate a Rule 26(f) conference, which is a logical and efficient time to do so. Evenflo is therefore not attempting to gain any unfair tactical advantage and the filings of the IPRs had no dilatory motive other than to simplify or potentially eliminate issues from the present case.

Baby Jogger attempts to inflate the potential delay, citing *Inpria Corp. v. Lam Rsch. Corp.*, 2024 WL 2111989 (D. Del. 2024), but *Inpria* does not support Baby Jogger's position. In

Impria, the Court denied a stay because the parallel proceeding was a separate, “large and ‘complex’” district court case that was likely to take “many years” to resolve. *Id.* at *3. Here, the stay is pending IPRs, which are statutorily mandated to be resolved quickly—final decisions are expected by January 2027. The defined and expedited timeline of the IPR process minimizes the potential for prejudicial delay.

3. PTAB’s Expertise on Priority Dispute Favors Stay

Baby Jogger argues that determining the proper priority date is a “factual question that a district court is just as well-equipped to resolve as the PTAB.” (D.I. 22, PageID#:1839.) However, the PTAB possesses specialized expertise in evaluating complex priority-based disputes related to patents. *See PersonalWeb Techs., LLC v. Facebook, Inc.*, No. 5:13-cv-1356 et al., 2014 WL 116340, at *2 (N.D. Cal. Jan. 13, 2014) (“IPR provides a path to receive expert guidance from the PTO”); *E-Watch, Inc. v. Lorex Can., Inc.*, No. H-12-3314, 2013 WL 5425298, at *2 (S.D. Tex. Sept. 26, 2013) (“At a minimum, even assuming that all the patents-in-suit survive the reexamination intact, the USPTO’s insight and expertise regarding the validity of the patents would be of invaluable assistance to this court.”).

The pending IPRs raise significant procedural issues stemming from Baby Jogger’s prosecution conduct, specifically challenging whether Baby Jogger misrepresented the “priority” date of the Asserted Patents. Baby Jogger incorrectly asserts that a district court is “just as well-equipped to resolve” the patent priority issues as the PTAB. While courts can and do decide these issues, the PTAB has specialized expertise in resolving complex prosecution histories and priority disputes, which are central to Evenflo’s invalidity challenges. Allowing the expert agency to address these foundational issues first will provide invaluable guidance and reduce the burden on this Court.

Given the minimal risk of prejudice to Baby Jogger, which is far outweighed by the potential for considerably reducing the costs and scope of litigation, or eliminating it entirely, this factor also favors a stay.

II. CONCLUSION

All three factors support granting Evenflo's motion for stay. The pending IPRs have the potential to resolve this entire dispute. This case is in its earliest procedural stage, and Baby Jogger has demonstrated no urgency that would support a finding of undue prejudice. For these reasons, Evenflo respectfully requests that the Court stay this case pending the resolution of the IPRs.

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September 29, 2025

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 29, 2025, upon the following in the manner indicated:

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