

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.; and

Petitioner,

v.

BABY JOGGER, LLC,
Patent Owner.

U.S. Patent Nos. 11,731,682

Case No.: IPR2025-01122

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

Table of Contents

TABLE OF AUTHORITIES

List of Exhibits..... ii

I. INTRODUCTION 1

II. CLAIM LIMITATIONS FROM DISTRICT COURT LITIGATION . **Error!**
Bookmark not defined.

 A. “Rotated with Respect to” 2

 B. “Connector Portion” 3

 C. “Closer” 3

 D. “Handle Portion” 4

 E. “Adjacent” and “Substantially Parallel” 5

III. CONCLUSION..... 5

CERTIFICATE OF SERVICE 6

Certificate of Compliance Pursuant 7

List of Exhibits

Exhibit	Description
EX1001	Declaration of Douglas Prairie
EX1002	U.S. Provisional Patent Application No. 61/119,920
EX1003	U.S. Publication No. 2010/0140902
EX1004	U.S. Patent No. 8,955,869
EX1005	U.S. Patent No. 9,403,550
EX1006	U.S. Provisional Patent Application No. 62/311,224
EX1007	U.S. Patent No. 9,944,305
EX1008	U.S. Patent No. 10,730,543
EX1009	U.S. Patent No. 11,192,568
EX1010	U.S. Patent No. 11,731,682
EX1011	U.S. Patent No. 11,577,771
EX1012	U.S. Patent No. 11,505,231
EX1013	U.S. Patent No. 11,878,729
EX1014	Non-certified File History of U.S. Patent Pub. No. 2010/0140902
EX1015	Non-certified File History of U.S. Patent No. 8,955,869
EX1016	Non-certified File History of U.S. Patent No. 9,403,550
EX1017	Non-certified File History of U.S. Patent No. 9,944,305
EX1018	Non-certified File History of U.S. Patent No. 10,730,543

Exhibit	Description
EX1019	Certified File History of U.S. Patent No. 11,192,568
EX1020	Certified File History of U.S. Patent No. 11,731,682
EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non-certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. "The History of Children's and Invalids' Carriages." <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716-728
EX1026	U.S. Patent No. 405,600
EX1027	U.S. Patent No. 510,355
EX1028	Non-certified File History of U.S. Patent Application No. 13/123,550, including certified copy of GB0818605
EX1029	U.S. Patent No. 4,191,397
EX1030	U.S. Patent No. 6,513,827
EX1031	Declaration of Hollie Schultz
EX1032	Declaration of Greg Allen
EX1033	U.S. Patent No. 7,641,216
EX1034	U.S. Patent No. 4,398,748
EX1035	U.S. Patent Pub. No. 2008/0238042
EX1036	U.S. Patent No. 5,338,096
EX1037	U.S. Patent No. 6,086,087

Exhibit	Description
EX1038	Kolcraft Contours Options Tandem Stroller Instruction Sheet, EXA to Affidavit of Christopher Butler
EX1039	French Patent 2,615,155 and Non-certified English Translation
EX1040	U.S. Patent No. 6,209,892
EX1041	EP 0980810 and Certified Translation
EX1042	U.S. Design Patent No. D514,036
EX1043	Evenflo Take Me Too Manual – Double Stroller/Double Travel System (Oct. 2004)
EX1044	U.S. Patent No. 6,045,145
EX1045	U.S. Patent No. 5,794,951
EX1046	Comparison of First Non-Provisional Specification and '305 CIP Specification
EX1047	U.S. Patent No. 8,882,134
EX1048	U.S. Design Patent No. D593,459
EX1049	U.S. Patent Pub. No. 2006/0071451
EX1050	U.S. Patent Pub. No. 2020/0385045
EX1051	U.S. Patent No. 8,672,341
EX1052	Non-certified File History of U.S. Pat. App. No. 29/324,044
EX1053	CN2778636Y and Certified English Translation
EX1054	WO 2008/040797
EX1055	Baby Jogger, LLC's Opening Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
EX1056	Baby Jogger, LLC's Responsive Claim Construction Brief in

Exhibit	Description
	Civil Action No. 1:24-cv-11582-ADB
EX1057	EXC to Baby Jogger, LLC's Infringement Contentions in Civil Action No. 1:24-cv-11582-ADB
EX1058	Merriam-Webster, Parallel, https://www.merriam-webster.com/dictionary/parallel (last visited Feb. 21, 2025)
EX1059	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (6th ed. 2003), Definition of "parallel"
EX1060	<i>Barron's Dictionary of Mathematics Terms</i> (3d ed. 2009), Definition of "parallel"
EX1061	Baby Jogger and UPPAbaby's District Court Case Schedule
EX1062	<i>Intentionally Left Blank</i>
EX1063	UPPAbaby's Answer and Counterclaims to Baby Jogger's First Amended Complaint
EX1064	Baby Jogger's Answer to UPPAbaby's Counterclaims
EX1065	Baby Jogger's Objections and responses to UPPAbaby's First Set of Interrogatories
EX1066	Markman Hearing Transcript, Baby Jogger, LLC v. Monahan Products, LLC d/b/a/ UPPAbaby; July 17, 2025
EX1067	Baby Jogger's Response in Opposition to Evenflo's Motion to Stay
EX1068	Evenflo's Motion to Stay
EX1069	Mockingbird's Motion to Stay
EX1070	Baby Jogger and Evenflo Joint Letter to the Court
EX1071	Baby Generation (Mockingbird) Letter to the Court

Exhibit	Description
EX1072	Evenflo Pacer Docket Sheet
EX1073	Mockingbird Pacer Docket Sheet
EX1074	Baby Jogger, LLC v. Evenflo Company, Inc. Second Amended Complaint in Civil Action No. 1:24-cv-00723-GBW
EX1075	Baby Jogger, LLC v. Baby Generation, Inc., d/b/a Mockingbird First Amended Complaint in Civil Action No. 1:24-cv-00725-GBW
EX1076	Baby Jogger, LLC v. Monahan Products, LLC d/b/a/ UPPAbaby First Amended Complaint in Civil Action No. 1:24-cv-11582-ADB
EX1077	Docket Navigator Statistics for Judge Allison D. Burroughs
EX1078	2015-2016 Correspondences between Baby Jogger and UPPAbaby
EX1079	Portions of Prosecution History for U.S. Patent Application 13/418,101
EX1080	Evenflo's Opening Brief in Support of Its Motion to Stay
EX1081	Evenflo's Reply Brief Regarding Motion to Stay

I. INTRODUCTION

Sole Petitioner Evenflo Company, Inc. submits 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. Evenflo has submitted individual briefing to address the terms at issue in IPR2025-01122 and IPR2025-01140, where Evenflo is the sole “Petitioner.”

As explained in Petitioner’s Opposition to PO’s Request for Discretionary Denial, the Evenflo litigation has been dormant for over one-year, no Rule 26(f) conference has occurred, and a pending Motion to Stay is on file. (Paper 9, p. 11.) Therefore, Petitioner has not proposed alternate claim constructions in district court.

Regardless, in both the jointly and individually 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 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 Evenflo is not pursuing broader interpretations of the claim at the Board while pursuing narrower constructions in litigation to avoid infringement. Instead, 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. “Rotated with Respect to”

UPPAbaby proposed that “rotated with respect to” in the ’568 Patent means “rotatably coupled at a common pivot point,” whereas PO argued the term means “one component rotated relative to another component.” (EX2010, p.13.) Claim 10 of the ’682 includes a similar term (“configured to rotate with respect to”). Petitioner therefore addresses UPPAbaby’s proposed constructions in view of this term used within claim 10 of the ’682 Patent.

Ground 1 centers on a priority challenge (*see* Paper 1, pp.17-25) and Petitioner argued the 2014 Rolicki reference teaches a stroller comprising upper, lower, and back frame members (204/206/208), all of which rotate about a *common* “pivot 704.” (Below left; *see* Paper 1, p.50; EX1001, ¶327; EX1047, 12:22-33.)

Ground 2 relies on a combination of Liao, a design patent, and Cheng, a utility patent, and Petitioner argued the teachings individually or combined teach a stroller having an “upper, front, and rear frame members joined at a *central coupling*” – i.e., common pivot. (*see* Paper 1, pp.85; EX1001, ¶462.) **Ground 3** relies on Offord that teaches a stroller comprising upper and lower frame members to rotate about a common “hinge device 16” – i.e., common pivot. (*see* Paper 1,

p.117; EX1001, ¶559.)

All three Grounds therefore rely on prior art that renders the challenged claims unpatentable under both proposed constructions. Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*.

B. “Connector Portion”

UPPAbaby proposed that “connector portion” in the ’869, ’550, and ’231 Patents 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.16; EX1055, p.7.)

All Grounds in the -01122 IPR were consistent with *both* UppaBaby and PO’s proposed constructions. Grounds 1–3 rely on prior-art references that disclose male connector portions inserted into and attaching within female housings. (Paper 1, p.42, 70, 109.) Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*

C. “Closer”

The term “closer” was construed in district court only for the ’550 Patent, which is not at issue here. Unlike the ’550 Patent, which recites “closer to a handle” without a reference point, the ’771 and ’682 Patents provide a comparative framework. (EX2010, pp.22-23). Unlike the ’550 Patent, which recites “closer to a handle” without a reference point, the ’771 and ’682 Patents provide a comparative

framework. (*Id.*) For example, claim 1 of the '682 Patent states: “a first seat ... disposed closer to the handle portion than the front end portion.” This structure (“closer to X than Y”) resolves the ambiguity underlying UPPAbaby’s indefiniteness argument, which was limited to the '550 Patent. Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*.

D. “Handle Portion”

UPPAbaby argued “handle portion” means “lateral frame portion that is grasped when pushing the stroller,” while PO argued it means “portion of frame coupled to the left and right upper tube support frame.” (EX2010, p.13). The main dispute between UPPAbaby’s and Baby Jogger’s constructions is whether the “handle portion” necessarily includes a lateral frame portion (*i.e.*, a crossbar). (EX1055, p.17; EX1056, 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.”).)

The difference between UPPAbaby’s and PO’s constructions is immaterial to the asserted prior art because the –01122 petition relied on art showing a lateral frame portion (crossbar) connected to upper tube support frames. (Paper 1, pp. 34, 51, 93.) Therefore, Evenflo presented art consistent with both constructions and did not engage in gamesmanship contrary to *Revvo* or *Tesla*.

For one ground, Petitioner challenged priority based on the impact of PO’s

March 2018 amendments, to the specification and drawings, on the “handle portion” term. (Paper 1, pp.21-24; EX1018, pp.638–639). Because Petitioner relied on PO’s amendments, Petitioner stated it would apply PO’s proposed construction for that Ground. (Paper 1, pp.15-17). Regardless, the difference between UPPAbaby’s and PO’s constructions remained immaterial for the reasons stated above.

E. “Adjacent” and “Substantially Parallel”

These terms do not appear in the ’682 Patent claims.

III. CONCLUSION

For the reasons discussed above, denial of the -01122 petition under the reasoning set forth in *Revvo* and *Tesla* is unwarranted.

Dated: November 18, 2025

Respectfully submitted,

/John P. Rondini/
John P. Rondini (64,949)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(1), I hereby certify that on **November 18, 2025**, a copy of the foregoing **PETITIONER’S BRIEFING ON IMPACT OF REVVO AND TESLA DECISIONS**, including any supporting exhibits filed therewith, was served in its entirety via electronic mail to the following counsel:

LEAD COUNSEL	BACK-UP COUNSEL
<p>Christoper B. Kelly Reg. No. 62,573 Meunier Carlin & Curfman LLC 999 Peachtree Street NE, Suite 1300 Atlanta, Georgia 30309 Email: ckelly@mcciplaw.com</p>	<p>Gregory J. Carlin Reg. No. 45,607 gcarlin@mcciplaw.com</p> <p>Warren J. Thomas Reg. No. 70,581 Email: wthomas@mcciplaw.com</p> <p>John W. Harbin <i>Pro hac vice</i> forthcoming Email: jharbin@mcciplaw.com</p> <p>Robert J. Leonard <i>Pro hac vice</i> forthcoming Email: rleonard@mcciplaw.com</p> <p>Walter Hill Levie III Reg. No. 72,016 Email: tlevie@mcciplaw.com</p> <p>Meunier Carlin & Curfman LLC 999 Peachtree Street NE, Suite 1300 Atlanta, Georgia 30309</p>

Respectfully submitted,

/ John P. Rondini /

Certificate of Compliance

This paper complies with the 5-page limit requirement permitted by the Board's November 13, 2025 email to the parties.

This paper also complies with the format and type style requirements of 37 C.F.R. § 42.6(a).

Respectfully submitted,

Dated: November 18, 2025

/ John P. Rondini /
John P. Rondini (64,949)
LEAD COUNSEL
BROOKS KUSHMAN P.C.
150 W. Second St., Suite 400N
Royal Oak, MI 48067-3846
(248) 358-4400
Email: jrondini@brookskushman.com