

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EVENFLO COMPANY, INC.,  
Petitioner,

v.

BABY JOGGER II, LLC,  
Patent Owner.

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Case IPR2025-01140  
Patent 11,577,771

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**PATENT OWNER RESPONSE<sup>1</sup>**

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<sup>1</sup> The Board's March 25, 2026 Order acknowledged the assignment of the challenged patent to Baby Jogger II, LLC and updated the case caption accordingly. Paper 19, 1. Patent Owner will adopt this caption going forward on that basis.

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**PATENT OWNER'S EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>   |
|--------------------|--|
| 2001               | <i>RESERVED</i>  |
| 2002               | Excerpt of File History of Application No. 12/631,375, Applicant's Response to Office Action, Remarks and Attachments (Nov. 4, 2013)   |
| 2003               | United States District Courts—National Judicial Caseload Profile for 12-month period ending December 31, 2024; <i>available at</i> <a href="https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf">https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf</a> |
| 2004               | U.S. Patent No. 10,449,987, Information Disclosure Statement dated February 28, 2018   |
| 2005               | <i>RESERVED</i>  |
| 2006               | <i>RESERVED</i>  |
| 2007               | Docket Sheet (as of Sept. 1, 2025) for <i>Baby Jogger, LLC v. Evenflo Company, Inc.</i> , No. 1:24-cv-00723 (D. Del. filed June 18, 2024)  |
| 2008               | <i>RESERVED</i>  |
| 2009               | <i>RESERVED</i>  |
| 2010               | <i>RESERVED</i>  |
| 2011               | Declaration of Dr. Kimberly Cameron (Mar. 26, 2026)  |
| 2012               | CV of Dr. Kimberly Cameron   |
| 2013               | Annotated Fig. 16 of EX1051 [not filed in this proceeding]   |
| 2014–2099          | <i>RESERVED</i>  |
| 2100               | Transcript of the Cross-Examination of Douglas Prairie (Mar. 13, 2026)   |
| 2101               | Declaration of Douglas Prairie, Exhibit 1002 from <i>Precision Planting, LLC and AGCO Corporation v. Deere &amp; Company</i> , IPR2019-01044 (May 29, 2019)  |
| 2102               | Declaration of Douglas Prairie, Exhibit 2004 from <i>Bazooka-Farmstar, LLC v. Nuhn Industries Ltd.</i> , IPR2023-01161 (Oct. 10, 2023)   |

| <b>Exhibit<br/>No.</b> | <b>Description</b>   |
|------------------------|--|
| 2103                   | <i>RESERVED</i>  |
| 2104                   | Declaration of Douglas Prairie, Exhibit 1001 from <i>Baby Generation, Inc., Evenflo Company Inc., and Monahan Products, LLC v. Baby Jogger, LLC</i> , IPR2025-01095 (June 5, 2025) |
| 2105                   | <i>RESERVED</i>  |
| 2106                   | Declaration of Douglas Prairie, Exhibit 1001 from <i>Evenflo Company Inc., Baby Generation, Inc., and Monahan Products, LLC v. Baby Jogger, LLC</i> , IPR2025-01100 (June 6, 2025) |

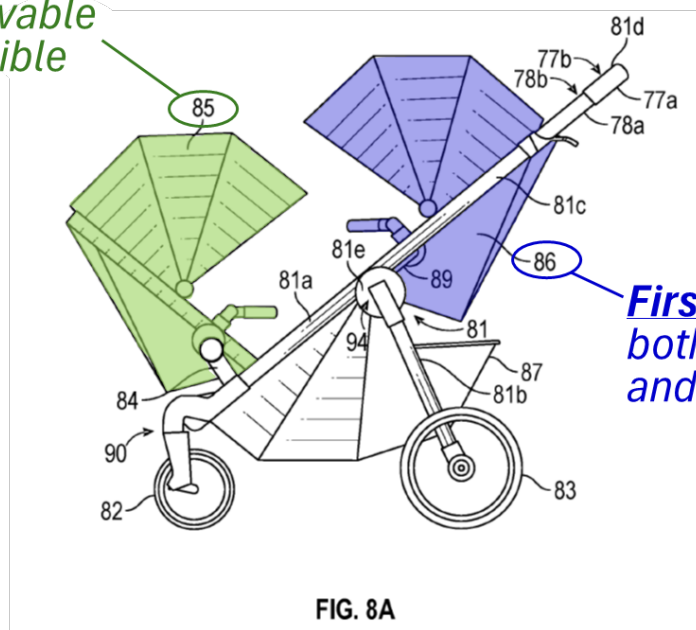
## I. INTRODUCTION

Patent Owner Baby Jogger II, LLC (“Baby Jogger”) submits this Patent Owner Response in opposition to the Petition for *inter partes* review (“IPR”) filed by Evenflo Company, Inc. (“Evenflo” or “Petitioner”) regarding claims 1-15 (the “Challenged Claims”) of U.S. Patent No. 11,577,771 (the “’771 Patent”). Paper 1 (“Petition” or “Pet.”). The Board should deny the Petition in its entirety.

The origins of the Baby Jogger patent family, including the ’771 Patent, trace back to around 2008, when Baby Jogger—a leading innovator of baby strollers since 1984—developed a modular stroller system that transforms a standard single stroller into a true double stroller while maintaining a compact, maneuverable footprint. Before this invention, parents faced a choice between unwieldy, oversized strollers that were difficult to maneuver and designs that failed to provide adequate space for the child, reduced the under-seat storage capacity, or relied on affixed components that did not permit reversibility or interchangeability. EX1011, 1:47-2:5. Baby Jogger’s innovation overcame these shortcomings, revolutionizing the single-to-double stroller category with a sleek, compact modular design in which an optional second (front) seat could be added, preserved under-seat storage capacity, and—through the use of adapters—was both reversible and interchangeable with other seat types.

The '771 Patent claims a convertible stroller with a pair of removable and reversible stroller seats. As recited in Claim 1, both seats can be connected to the stroller “in either a forward or backward facing position,” and are arranged in an “inline descending configuration.” This flexibility allows not only for the orientation of the seats to be adjusted (from forward facing to backward facing), but also for the stroller to be easily converted from a single seat configuration to a double seat configuration without increasing its footprint.

*Second seat that is both removable and reversible*



*First Seat that is both removable and reversible*

The references in the Petition's grounds of unpatentability fail to disclose a stroller with these features. To compensate for this fatal shortcoming, the Petition offers an overly broad construction of Claim 1, which improperly removes the requirement that the stroller seats are reversible to map the Petition's references to

the claims. But the Petition's interpretation is unsupported, unexplained, and directly contradicted by the patent's specification and prosecution history.

Alternatively, the Petition alleges that making both stroller seats reversible would have been obvious. But again, the Petition's arguments—under each of its obviousness grounds—are conclusory and lack the articulated reasoning and rational underpinning necessary to prove the claims are obvious. Rather, as demonstrated by the cross-examination of its “expert” witness, the Petitioner's arguments are infected by hindsight. The Petitioner never explains why or how a person of ordinary skill would have been motivated to modify the references to include the claimed stroller seat functionality. Simply saying something would have been obvious does not make it so.

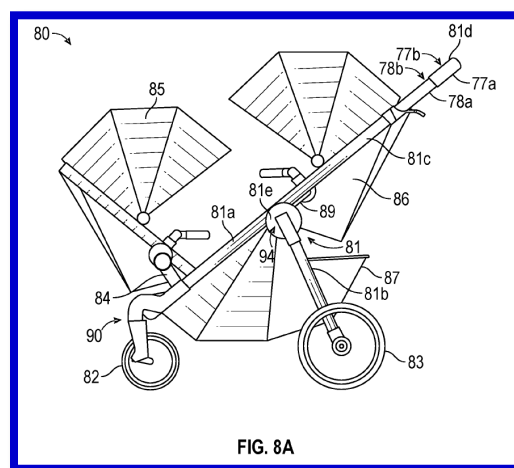
For these reasons, the Petition fails to carry its burden to show the challenged claims are unpatentable.

## **II. THE '771 PATENT'S SPECIFICATION, CLAIMS, AND PROSECUTION HISTORY**

The '771 Patent discloses children's strollers that are convertible from a single stroller (with one seat) to a double stroller (with two seats). The patent claims priority through a series of applications, including a continuation-in-part application, ultimately tracing its priority back to a non-provisional application filed December 4, 2009 (the “2009 Non-Provisional,” EX1003) and a provisional application filed December 4, 2008 (the “2008 Provisional,” EX1002).

The specification describes several embodiments of strollers and accessories, including a wheeled seat attachment (20) that connects to the front of a single-seat stroller (10) (e.g., Fig. 3), and a double stroller (80) with a pair of removable and reversible seats (85, 86) (e.g., Fig. 8A). EX1011, 6:58-63, 8:50-56, 9:56-10:38.

The '771 Patent claims are directed to the later embodiment—a double stroller with a pair of removable and reversible seats, like the stroller depicted in Figure 8A. EX1011, 17:10-18:44. In fact, during prosecution of the '771 Patent's underlying application,<sup>2</sup> the Examiner required an election among nine different patentably distinct species disclosed in the specification. EX1021, 241-244 (discussing Species A-I, which are directed to various stroller and accessory embodiments). Among these species, Patent Owner elected “Species F – directed to the embodiment of **Fig. 8A-8H**” for prosecution. EX1021, 253, 450.



*Species Elected for Prosecution*

<sup>2</sup> U.S. Application No. 17/876,492. EX1011, code 21.

Fig. 8A depicts a stroller apparatus (80) that includes a foldable stroller frame (81) configured for supporting two removable stroller seats (86, 85). EX1011, 8:50-56, 9:22-38, 9:56-10:38. When attached, the seats (85, 86) are arranged in an inline descending configuration such that the second stroller seat (85) is “at a vertical position that is substantially below the vertical position of the first stroller seat 86.” EX1011, 10:39-59.

Additionally, the stroller seats (85, 86) are both removable ***and*** reversible. The specification notes that “the first stroller seat 86 may be *adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa.*” EX1011, 11:10-15. Likewise, “the second stroller seat 85, when coupled to the corresponding removable seat attachment adapters 84, can be *adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa.*” EX1011, 11:15-19; *see also* FIG 8C (showing first seat 86 in rearward-facing configuration). The first and second seats (85, 86) are annotated below in blue and green, respectively.



and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position that is lower than the first vertical position and closer to the front end portion than the handle portion; and (ii) a second seat connectable to the right and left seat attachments in either a forward or backward facing position. The two seats, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.

### III. CLAIM CONSTRUCTION

**A. seats “connectable to the frame in either a forward or backward facing position” means they are adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa**

**1. *The Petition fails to provide any explanation or basis for its construction of the phrase “in either a forward or backward facing position”***

The Petition provides a “Claim Construction” section, which addresses only the phrase “handle portion” and suggests that no other “formal construction currently appears necessary.” Pet. 10-12. But amidst its arguments under Ground 1, the Petition alleges that element [1.4] “requires the first seat connect in ‘either the forward or backward facing position,’ *not that it be reversible.*” Pet. 37; *see also* EX1001 ¶ 311. The Petition also applies this interpretation to the second seat in element [1.5d]. Pet. 42-43 (“Like claim [1.4], this claim requires ‘a second seat

connectable to the right and left seat attachments in either a forward or backward facing position.”).

The Board has recognized that “[c]laim construction arguments buried in merits arguments tend to be conclusory and unpersuasive.” *TikTok, Inc. v. NTech Properties, Inc.*, IPR2024-01340, Paper 7 at 7 n.6 (Mar. 10, 2025). This pattern continues here: The Petition is devoid of any meaningful analysis of the phrase “either the forward or backward facing position.” Rather than providing a reasoned analysis in view of the specification and prosecution history, the Petition instead relies on an unsupported, conclusory assertion that elements [1.4] and [1.5d] do not require reversible seats. This is a facially insufficient basis for construing Claim 1.

Obviousness is a two-step inquiry requiring **(i)** “a proper construction of the claims” and **(ii)** “a comparison of the properly construed claims to the prior art.” *Medichem, S.A. v. Rolabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003). Although the Board does not require an explicit claim construction for every term, it remains the Petitioner’s burden to identify how the challenged claims are to be construed and how, in view of this construction, they are unpatentable under the grounds set forth in the Petition. 37 C.F.R. § 42.104(b)(3)–(4). Here, the Petition advances arguments premised on its construction of elements [1.4] and [1.5d], but utterly fails to provide a rational basis for that construction.

Further, the construction of elements [1.4] and [1.5d] is necessary for the Board to address. *Cf., Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms ... that are in controversy, and only to the extent necessary to resolve the controversy.’”) (citations omitted). As explained below, a proper construction of Claim 1—which requires the first and second seats to be reversible—renders the Petition’s arguments and evidence insufficient to show that Claim 1 is unpatentable under at least Ground 1. Thus, the construction of elements [1.4] and [1.5d] is dispositive and must be addressed.

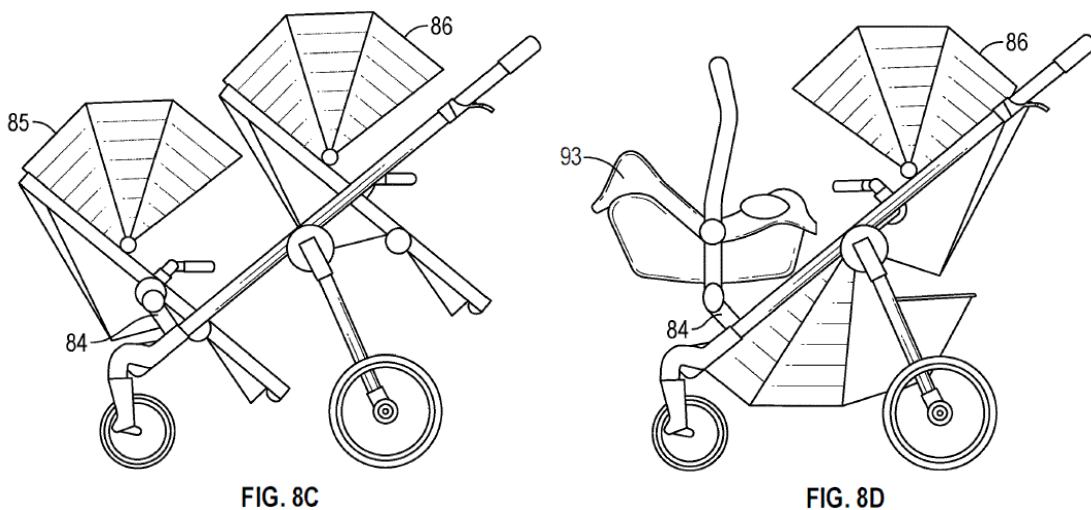
**2. *The term requires the seats to be adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa.***

The '771 Patent claims are “construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.” 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-14 (Fed. Cir. 2005) (en banc). “[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention” and “after reading the entire patent.” *Id.* at 1313, 1321. Usually, the

specification is dispositive, and it is the single best guide to the meaning of a claim term. *Id.* at 1315. This is certainly the case here.

At the outset of the '771 Patent's prosecution, Patent Owner elected to prosecute the species of Figure 8A. The specification's description of this embodiment is clear: "the first stroller seat 86 may be adjustable *from a forward-facing configuration to a rearward-facing configuration* and vice-versa," and "the second stroller seat 85, when coupled to the corresponding removable seat attachment adapters 84, can be adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa." EX1011, 11:12-15, 11:15-19.

Figures 8C and 8D of the patent illustrate reversing the orientation of the first seat 86. See also EX2011 ¶ 41.



This is precisely what elements [1.4] and [1.5d] in Claim 1 require—that the first and second seats are each connectable “in either a forward or backward facing position.”

The earlier applications in the priority chain, incorporated into the patent, confirm this understanding. The 2009 Nonprovisional specification describes Fig. 8 as showing “[s]troller seat 86 ... in the forward facing configuration and second stroller seat 85 is shown in a backward facing configuration,” while Fig. 9A shows “stroller seat 86 may be removed *and replaced in a backward facing* configuration.” EX1003 ¶ [0045]. And a POSA would immediately recognize that those figures do, in fact, show reversible seats. EX2011 ¶ 43.<sup>3</sup>

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<sup>3</sup> It is surprising then that Mr. Prairie expressed difficulty even recognizing the *direction* the seats face in the figures (forward or backward, much less whether they were reversible), and what was a “handle” during his cross-examination. EX2100, 81:18-87:19. (“Q: Forward is toward which, is toward the front wheel or the back wheel? A: I don't know, that's why I am asking what you are referring to as.” “Q: ... [T]he seat 86 in Figure 8D is facing forward, isn't it? A: I can't fully see because part of the seat is covered up. So it is hard, [I] can't fully see that. So I would have to read through on 8D, what it states there.”). Whether he was feigning ignorance or genuinely perplexed when reviewing these two figures, his inability to answer straightforward questions about the direction the seats face in Figures 8C and 8D demonstrates his lack of credibility for his “opinions.”

The intrinsic evidence thus makes clear that the seats themselves can be “reconfigured to a different orientation”—either forward or backward. EX1003 ¶ [0045]; *see also* EX1002 ¶ [0035] (same). A POSA, therefore, would have understood that the claim reciting the seats are “connectable to the frame in either a forward or backward facing position,” means what the specification described and illustrated—the seats are reversible. *See also* EX2011 ¶¶ 41-45 (opining a POSA would understand the scope of the claim to refer to the reversibility of the seat).

Ignoring the specification, the Petition and Mr. Prairie assert that claim 1 requires that the seats can be connected in only *one of* the forward-facing position or the backward-facing position (but not both). Pet. 37, (stating, without analysis, that “the claim requires” forward or backward, “not that it be reversible), 42 (referring to the claimed directions as “alternatives”); EX1001 ¶ 311 (testifying that prior art that discloses “one of the claimed alternative positions” because it discloses a forward-facing seat). But this unreasonable (implicit) interpretation renders the relevant language— “in either a forward or backward facing position”—completely meaningless. *See also* EX2011 ¶ 45.

Element [1.4] recites that the first seat is “releasably connected to the frame,” and element [1.5d] recites that the second seat is “connectable to the right and left seat attachments.” EX1011, Claim 1. By virtue of being connectable to the stroller, the first and second seats are *necessarily* connectable in *at least one of* a

forward-facing or a backward-facing configuration. Indeed, the '771 Patent does not disclose or suggest any stroller seat that is oriented sideways, up, down, or in some other impractical configuration; all the stroller seats are oriented forwards or backwards. EX1011, Figs. 1, 3, 5, 8A, 8C-8H. Thus, if Claim 1 was not intended to require the first and second seats to be reversible, the language “in either a forward or backward facing position” simply would have been omitted.

By removing the reversibility requirement from Claim 1, Petitioner's construction eviscerates the meaning of the disputed term. It is well-settled that Petitioner's approach is improper. *Wasica Fin. GmbH v. Cont'l Automotive Systems, Inc.*, 853 F.3d 1272, 1288 n.10 (Fed. Cir. 2017) (“It is highly disfavored to construe terms in a way that renders them void, meaningless, or superfluous.”); *Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd.*, 476 F.3d 1321, 1327 (Fed. Cir. 2007) (rejecting a broad claim construction that “would eviscerate the limitation”); *Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950-51 (Fed. Cir. 2006) (rejecting a construction of a term that would render another limitation superfluous).

To be sure, the Petition offers no meaningful analysis of its construction for elements [1.4] and [1.5d]. But no such analysis could have been provided without divorcing the claims from the specification and violating core canons of claim construction. Viewed in the correct context, the only plausible meaning of “in

either a forward or backward facing position” in [1.4] and [1.5d] is that the first and second seats can each be adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa.

**B. “Handle Portion” (claim 1)**

Claim 1 recites, in relevant part, “A stroller, comprising: a stroller frame comprising *a handle portion* and a front end portion ....”<sup>4</sup> The term “handle portion” has no special meaning in the art, is unambiguous on its face, and requires no construction. *See* EX2011 ¶¶ 34-35.

Petitioner proposes that “handle portion” means the “portion of frame coupled to the left and right upper tube support frame.” Pet. 12. This position is driven by Petitioner’s priority challenge. *See* Pet. 11-12 (referring to wording changes in a later specification), 17-20 (arguing priority of “handle portion”). As shown below, the 2008 Provisional application provides written description support for the term even under Petitioner’s proposed construction. *See* Section IV.A.1.a, *infra*. Accordingly, though construction is unnecessary, Baby Jogger does not oppose Petitioner’s proposed construction.

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<sup>4</sup> All emphasis is added unless otherwise indicated.

**C. First and second seats “arranged in an inline descending configuration substantially along the plane of the frame” (claim 1)**

Petitioner offers no construction for the term “inline descending configuration” and instead applies it in an arbitrary manner that is untethered from the claim language, the specification, and the dependent claims. Rather than ground this term in the structural relationship between the seat's connection to the frame—as the intrinsic record requires—Petitioner's analysis determines the “inline descending configuration” with reference to “the seat bottoms.” Pet. 43-44; *see also* EX1001 ¶ 328 (referring to “where the infant's buttocks would be located” as one possibility). Because Petitioner's approach lacks any basis in the intrinsic evidence,<sup>5</sup> it is necessary to clarify the plain and ordinary meaning of this term as it would be understood by a POSA.

Claim 1 recites that, “when connected to the frame, [the first seat and the second seat] are arranged in an inline descending configuration substantially along the plane of the frame.” EX1011, claim 1. The claim language itself anchors the “inline descending configuration” to the structural relationship between the seats and the frame—specifically, the point at which each seat connects to the frame via

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<sup>5</sup> Mr. Prairie testified on cross-examination that he could not “recall [his] exact logic” at all for why he referenced that location—as opposed to any other—besides the need to meet the claim limitation. *See* EX2100, 149:13-21, 152:2-10.

its seat attachment. *See* EX2011 ¶ 36. Under the *Phillips* standard, claim terms are given “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention,” and that meaning is determined primarily from the intrinsic record. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005)

This reading follows naturally from the specification and the claim structure as a whole. The '771 Patent's disclosure is organized around the interface between the seats, the seat attachments (also called “seat attachment adapters”), and the frame. Nothing in the intrinsic record describes the inline descending configuration with reference to seat bottoms. Rather, the specification describes the seat attachments as the structural intermediaries that define how and where each seat is positioned on the frame. *See, e.g.*, EX1011, Figs. 3, 8A; *id.* 10:28-38, 11:43-12:7, 12:14-15, 13:58-61. The seat attachments are coupled to the frame, and the seat attachments in turn connect to the seats. *Id.* The position of each seat is determined by where the seat attaches to its seat attachment adapter—not by a seat bottom, a phrase that does not appear in the patent. *See* EX2011 ¶ 37.

The dependent claims confirm this focus. Claims 5 through 8 of the '771 Patent are likewise directed to the structural relationship between the seats, the seat attachments, and the frame. *See* EX1011, claims 5-8. A POSA reading claim 1's “inline descending configuration substantially along the plane of the frame” in the

context of these dependent claims would understand that the relevant configuration is defined by the structural mounting points—the locations where the seats physically connect to the seat attachments—not by the seat bottoms. *See* EX2011 ¶ 38.

This construction is also consistent with the plain meanings of “when connected to the frame” and “along the plane of the frame.” *See* EX2011 ¶ 39. The phrase “when connected to the frame” directs the reader to where the seat attaches to the frame via its seat attachment adapter. Any other reading would divorce the phrase “along the stroller frame” from the frame entirely.

**D. Right and left seat attachments “disposed along the right and left support members of the frame, respectively, at a second vertical position ...”**

Claim element [1.5b] recites the “right and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position that is lower than the first vertical position.” While this term takes its plain ordinary meaning, its multiple relationships with the other elements of the claim must be considered to properly evaluate its scope and requirements. It requires more than the seat attachments are *somewhat-near* the frame supports, as

the Petition seems to suggest in its cursory treatment when alleging the prior art discloses it.<sup>6</sup>

Instead, the claim expresses multiple requirements for the location of the seat attachments: They are (i) disposed (ii) *along* the support members and (iii) *at* a second vertical position lower than the first vertical position. Of course, the *support members* “extend[] ... substantially within a plane that runs diagonally from the *handle portion* toward the *front of the frame*” (element [1.3]). Thus, in the context of the entire claim, a POSA would understand the claim to require the **seat attachments must be positioned at a location on the length of the frame's support members, such that the vertical position on the support members is lower than the recited “first vertical position”** (of the first seat).<sup>7</sup>

That recited relationship is consistent with the disclosure of the '771 Patent. For example, in Fig. 8, the seat attachment adapters 84 are shown as attached at a location on the frame. The specification also describes the locations where the

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<sup>6</sup> E.g., Pet. 40, 69-70; *see also* EX1001 ¶¶ 321, 429 (in both instances, addressing in only one conclusory assertion).

<sup>7</sup> Additionally, according to element [1.5c], that position on the length of the support members is also “closer to the front end portion than the handle portion.”

elements are positioned on the length of the frame (which is made up of the support members):

- “In another example embodiment, the left connector and the right connector can each be tabs or slots that are configured to be coupled to corresponding *slots or tabs along the stroller frame 81.*” EX1011, 9:66-10:2.
- “In one example embodiment, each removable seat attachment adapters can be coupled to the frame by coupling the adapter 84 into a seat attachment *housing disposed along the frame 81.*” EX1011, 10:7-10.
- “In one example, the seat connector 88 can be *disposed along a top end of the seat support element 84.*” EX1011, 12:15-17.
- “In certain example embodiments, the stroller 80 may also include a second set of removable seat attachment adapters 89 removably coupled to the frame 81 (or another pair of seat attachment housings substantially similar to those 1105, 1110 described below) *along the upper tube support frame 81c.*” EX1011, 11:43-48.
- “In one example, each seat attachment housing 1105, 1110 can include one or more *rails either disposed above or below a top surface of the seat attachment housing 1105, 1110 ....*” EX1011, 14:3-8.

In each of these examples, the patent describes the positions of these elements in an identified position on the length of the support members.<sup>8</sup> In each of these examples, the patent describes the positions of these elements in an identified position on the length of the support members.<sup>9</sup> Thus, this plain meaning of [1.5b] as expressed above is consistent with the descriptions in the specification. *See also* EX2011 ¶¶ 110-111.

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<sup>8</sup> The specification elsewhere uses the word “disposed” as an alternative to position or location. *See* EX1011, 8:44-46 (describing seat attachment members 71 and wheel 73 “can be *disposed or otherwise positioned* in a triangular relationship”), 14:56-59 (describing seat can coupled to a seat connector “disposed *on or adjacent to*” the end of a seat attachment adapter).

<sup>9</sup> The specification elsewhere uses the word “disposed” as an alternative to position or location. *See* EX1011, 8:44-46 (describing seat attachment members 71 and wheel 73 “can be *disposed or otherwise positioned* in a triangular relationship”), 14:56-59 (describing seat can coupled to a seat connector “disposed *on or adjacent to*” the end of a seat attachment adapter).

#### **IV. THE PETITION FAILS TO SHOW THE CHALLENGED CLAIMS ARE UNPATENTABLE**

##### **A. Ground 1 (Obviousness over Rolicki)**

The Petition first asserts that Claim 1 is obvious in view of USPN 8,882,134 to Rolicki (“Rolicki”), filed March 14, 2013 (Ground 1). Pet. 21, 28; EX1047, cover. This Ground fails for two independent reasons.

First, Rolicki is not prior art. As the Petition makes clear, its challenge depends on showing the '771 Patent is not entitled to its claimed priority date. *See* Pet. 21. As shown below, however, the 2008 Provisional provides written description support for the challenged limitations. Rolicki thus cannot render the claims obvious.

Second, the challenge over Rolicki relies on a fatally flawed claim construction. Contrary to both the plain language of the claims and the specification, the Petition argues that Claim 1 does *not* require the first and second seats to be reversible. Pet. 37. The Petition's construction is entirely unexplained and unsupported, and the absence of this required analysis is fatal to Ground 1.

##### ***1. Rolicki is not prior art***

Petitioner's priority challenge elevates form over substance. Rather than grapple with what the priority applications actually disclose, Petitioner searches for “magic words”—specific labels and terminology that did not appear in the earlier applications—and declares victory when it cannot find them. That approach has no

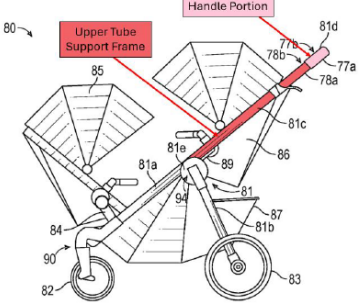
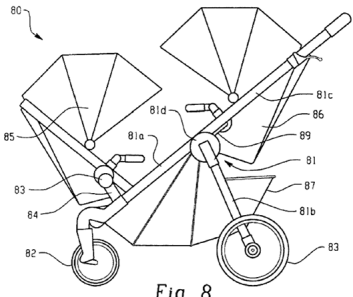
basis in the law. The written-description inquiry asks whether the prior application reasonably conveys to a POSA that the inventor possessed the claimed subject matter—it is not a word-matching exercise. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351-52 (Fed. Cir. 2010) (en banc) (“[T]he level of detail required ... varies depending on the nature and scope of the claims and on the complexity and predictability of the relevant technology.”); *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1306 (Fed. Cir. 2008) (test satisfied if “written description actually or inherently disclose[s] the claim element”). When the actual disclosures are examined, Petitioner’s challenge fails on every contested limitation.

*a. The 2008 Provisional discloses a “handle portion”*

Start with the most telling detail in the entire Petition: Petitioner relies on an annotated version of Fig. 8A of the patent to argue that claim 1 includes limitations only disclosed by the 2016 Provisional. But Fig. 8A of the ’771 Patent is, other than its labeling, the *same figure* as Fig. 8 of the 2008 Provisional, which predates the 2016 Provisional by more than six years.<sup>10</sup> Compare EX1011 (the “’771 Patent”), Fig. 8A, with EX1002, Fig. 8; see also EX1003, Fig. 8.

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<sup>10</sup> For ease of reference, Baby Jogger reproduces the 2009 Non-Provisional figures and description in this Patent Owner Response; however, the 2008 Provisional discloses the same features. See EX2011 ¶¶ 47-49; see also EX1001 ¶¶ 107-108,

| Pet. 12 (showing Petitioner's annotated Fig. 8A of the '771 Patent).   | EX1003, Fig. 8.  |
|--|--|
|  <p>FIG. 8A<br/>EX1011, Fig. 8A<sup>9</sup></p> |  <p>Fig. 8</p> |

Petitioner's entire argument depends on the implausible proposition that a POSA can look at Fig. 8A of the '771 Patent and identify certain limitations, such as a "handle portion," then look at the same figure in the 2008 Provisional—same stroller, same structure, just a different label—and suddenly be unable to find them. In reality, a person of ordinary skill *in the art of stroller design* would have no difficulty identifying the stroller components Petitioner contests within the 2008 Provisional.

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113 (describing the figures and description as "largely a carry-over" from the [2008 Provisional]). See EX2011 ¶¶ 47-49; see also EX1001 ¶¶ 102-103 (agreeing the "figures and Description[s]" are "very similar").

i. A “handle portion” is plainly disclosed in the 2008 Provisional

Petitioner's “handle portion” argument reduces to this: the filings before 2016 did not use the exact same “handle portion 81d” label as the '771 Patent. *See* Pet. 17-20. But that proves nothing. A handle is a common and readily recognizable component of any stroller. EX2011 ¶ 50. It sits at the rear of a stroller frame, at a height suitable for pushing. EX2011 ¶¶ 50-51. A POSA would look at Figs. 1, 3, 5, 8, and/or 9A-9F of the 2008 Provisional and recognize the upper rear portion of the stroller frame as the “handle portion.” *See, e.g.*, EX1002, Fig. 3, 8; *see also* EX1003, Figs. 3, 8; EX2011 ¶¶ 50-57. This common-sense recognition is all that the written-description standard requires. *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1306 (Fed. Cir. 2008) (the relevant question for determining priority is whether the earlier filings “convey with reasonable clarity” to a POSA that the inventor was “in possession” of the challenged limitations as of their filing dates).

ii. Petitioner's reliance on re-labeled figures in the 2016 disclosures does not save its argument

Petitioner attempts to sidestep this straightforward analysis by construing “handle portion” based on the more specific re-labeling in the 2016 Provisional (EX1006): arguing that “handle portion” means the “portion of frame coupled to the left and right upper tube support frame.” Pet. 12. Petitioner and its expert's

theory is that because the label “upper tube support frame” did not appear until 2016, a POSA could not have identified the “handle portion” in the filings before 2016. Pet. 17-20; EX1001 ¶¶ 185-186. This argument tries to obscure the plainly obvious: the 2008 Provisional describes and shows a handle. *See, e.g.*, EX1002, Fig. 3; *id.* ¶ [0033]; *see also* EX1003, Figs. 3, 8; *id.* ¶¶ [0012], [0043] (describing the embodiment shown in Fig. 8 and identifying reference 81c as a “handle portion”).

Petitioner and its expert confuse a labeling change with a structural change. When the 2016 Provisional relabeled 81c as the “upper tube support frame” and introduced 81d as the “handle portion,” the underlying stroller frame structure depicted in the figures did not change. *Compare* EX1002, Fig. 8, *and* EX1003, Fig. 8, *with* EX1011, Fig. 8A; *see also* EX1001 ¶¶ 185-190 (showing the same figure other than reference labels and Mr. Prairie's annotations). The same tubular members connecting the left and right upper portions of the frame are visible in both figures. EX2011 ¶¶ 51-53 (stating “the underlying stroller structure depicted is identical”). All that changed was the granularity of the labeling, not the physical structure.

In any case, the 2008 Provisional discloses a “handle portion.” *See* EX2011 ¶¶ 50-51, 53-57. For example, Fig. 3 of the 2008 Provisional depicts a stroller 10 having an upper rear structure. *See* EX1002, Fig. 3; *see also* EX1003, Fig. 3;

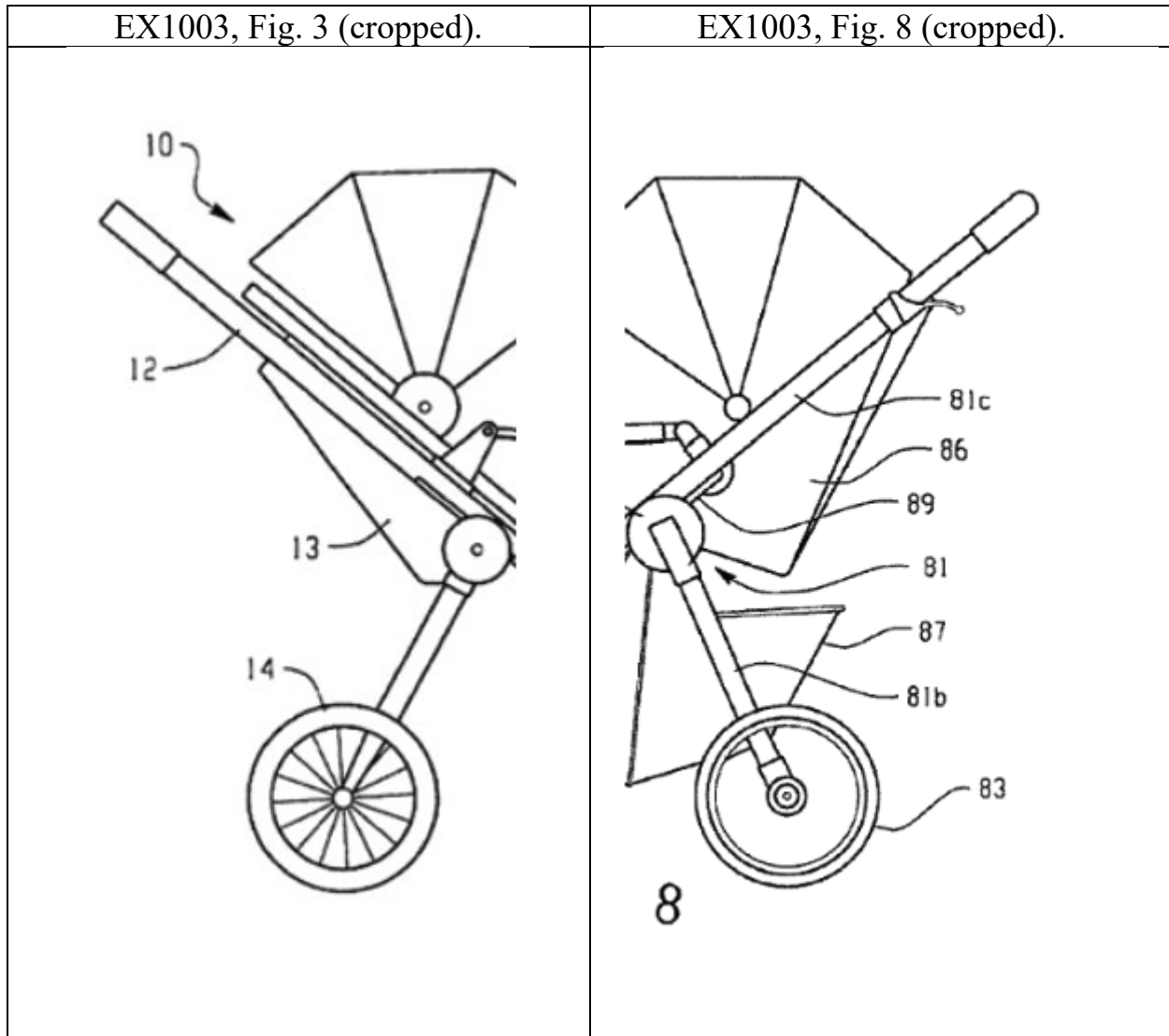
EX2011 ¶ 54. A POSA would recognize that structure as coupled to the left and right upper portions of “frame 12”—satisfying Petitioner’s “redefined definition.”

*See* EX1002 ¶ [0021]; *see also* EX1003 ¶ [0049]; EX2011 ¶¶ 54-55. A POSA would recognize the same structure in Fig. 8. *See* EX1002, Fig. 8; *see also*

EX1003, Fig. 8; EX2011 ¶¶ 56-57. Indeed, as shown below in the cropped excerpts of Figures 3 and 8, the upper rear structure depicted is nearly the same in each. *See*

*also* EX2011 ¶ 56-57 (agreeing POSA would recognize *handle portion* as

construed by Petitioner in both priority documents). Accordingly, the term *handle portion* is supported by the 2008 Provisional.



*b. The 2008 Provisional disclose the foldable support members are “substantially within a plane”<sup>11</sup>*

Petitioner's challenge to the “substantially within a plane” and “substantially along the plane of the frame” limitations reduces to a single, narrow contention:

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<sup>11</sup> The Petition's heading purports to also challenge the priority for the phrase “substantially along the plane of the frame.” Pet. 16-17. But neither the Petition

that the pre-2016 disclosures lack written description support for the concept of a “substantially” planar frame. Pet. 16-17. Critically, Petitioner concedes that the 2009 Non-Provisional discloses “foldable frame members in a strictly planar relationship that ‘runs diagonally from the handle portion toward the front end portion.’” Pet. 16; EX1001 ¶¶ 198-212 (also agreeing 2008 Provisional depicts the same). Petitioner thus does not dispute that the 2009 Non-Provisional (and, consequently, the 2008 Provisional) discloses foldable support members, a parallel spaced relationship, or a plane running diagonally from a handle portion toward a front end portion of a stroller frame. The sole question is whether a POSA would understand the filings before 2016 as disclosing that the foldable support members extend *substantially* within that plane.

As demonstrated below, the answer is yes—both because the drawings conveyed the concept of “substantially” planar, and because the prosecution history independently confirms as much.

As a threshold matter, Petitioner’s argument again improperly treats the written description inquiry as a word-matching exercise. *See* Section IV.A.1 above

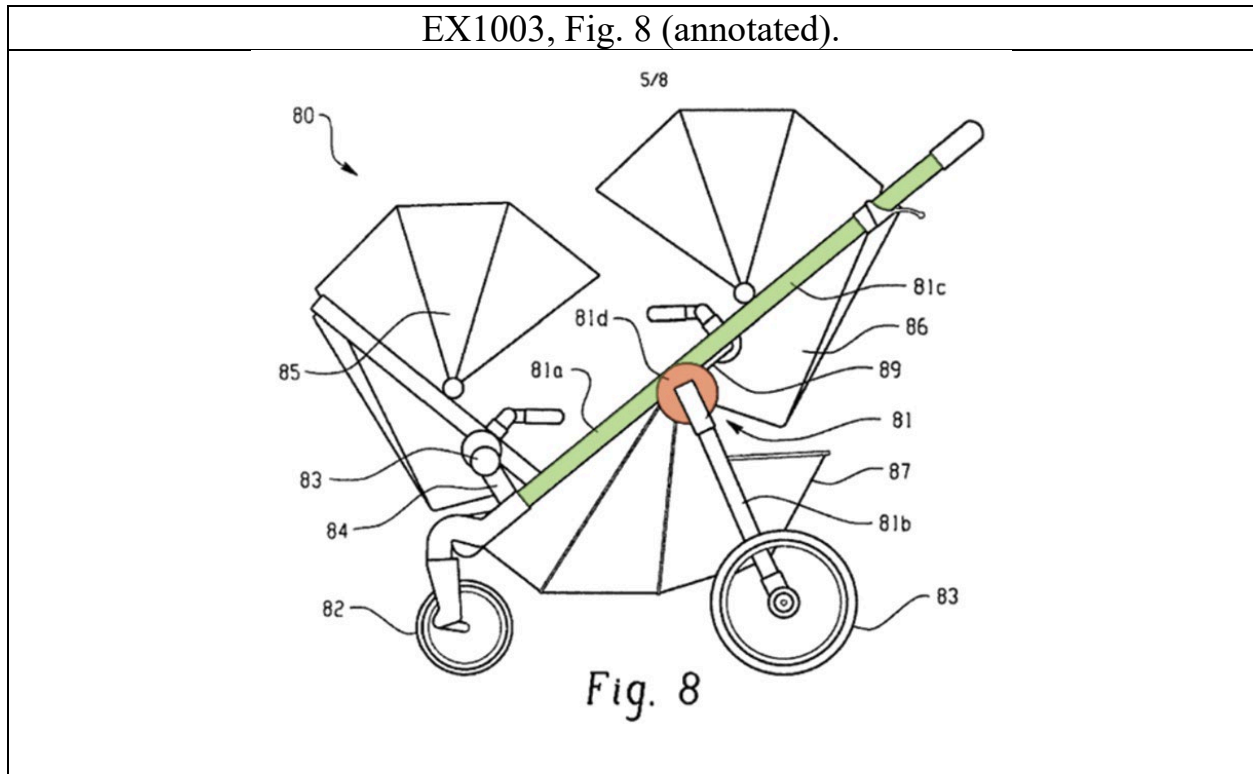
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nor the supporting expert declaration make any argument that “substantially along the plane of the frame” is not supported. *Id.*; EX1001 ¶¶ 198 (discussing the term “substantially within a plane” but not referencing the Petition’s additional term).

(citing *Ariad* and *PowerOasis*). That a prior application does not use the precise phrase “substantially within a plane” is irrelevant if the disclosure, as understood by a POSA, actually or inherently conveys the claimed concept. *Id.*

Moreover, it is well established that “drawings alone may provide a ‘written description’ of an invention as required by § 112.” *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir. 1991). The MPEP cites *Vas-Cath* in confirming that “[a]n applicant may show that the inventor was in possession of an invention by disclosure of drawings ... that are sufficiently detailed to show that the inventor was in possession of the claimed invention as a whole.” MPEP § 2163.02. Thus, even in the absence of textual recitation of “substantially within a plane,” the text and figures of the pre-2016 filings can and do independently satisfy the written description requirement for the contested limitations.

Take for example, Fig. 8 of the 2008 Provisional and 2009 Non-Provisional. Fig. 8 illustrates stroller 80 having a frame 81 (shaded green in the annotated figure below) and a folding mechanism 81d (shaded orange). See EX1003 ¶¶ [0044], [0046]; see also EX1002 ¶¶ [0034], [0036].



A POSA would understand that the frame members on either side of the folding mechanism 81d can be “folded into a more compact size for storing or transportation,” as shown in Fig. 8A. EX1003 ¶ [0043]. The very presence of a folding mechanism means the frame members (and thus the handle portion and the front end portion) are designed to pivot relative to one another—they can be in the plane (as in Fig. 8) or out of the plane (as in Fig. 8A). EX2011 ¶ 68. A POSA would thus recognize that Fig. 8 does not depict a monolithic, rigidly planar structure, but rather an articulable frame whose members extend substantially within a plane when the stroller is in its open, deployed configuration. *See Id.*

This is precisely the concept captured by the claim term “substantially within a plane.” The word “substantially” accounts for the inherent reality that a

frame containing a folding mechanism will not be perfectly, mathematically planar at every point—the folding mechanism, at minimum, itself introduces some structural discontinuity. *Id.* A POSA would understand that Fig. 8 depicts foldable support members that extend substantially within a plane running diagonally from the handle portion toward the front end portion, even if the frame is not perfectly coplanar at every point along its length. Indeed, Petitioner's own framing—describing the frame as “strictly planar”—tacitly acknowledges the geometric relationship that the claim language captures; “substantially within a plane” simply reflects the practical reality that a foldable frame will approximate, rather than achieve mathematical perfection of, planarity. Moreover, a POSA sees the drawings for what they are—a schematic, not a literal embodiment—and understands they inherently disclose more than what is literally shown. *See* EX2011 ¶¶ 68-70.

The prosecution history of the 2009 Non-Provisional provides additional, independent confirmation that “substantially within a plane” was disclosed prior to 2016. During prosecution of the 2009 Non-Provisional, the Applicant added Fig. 10 (shown below) to further illustrate “seat support element 84.” EX1014, 222.

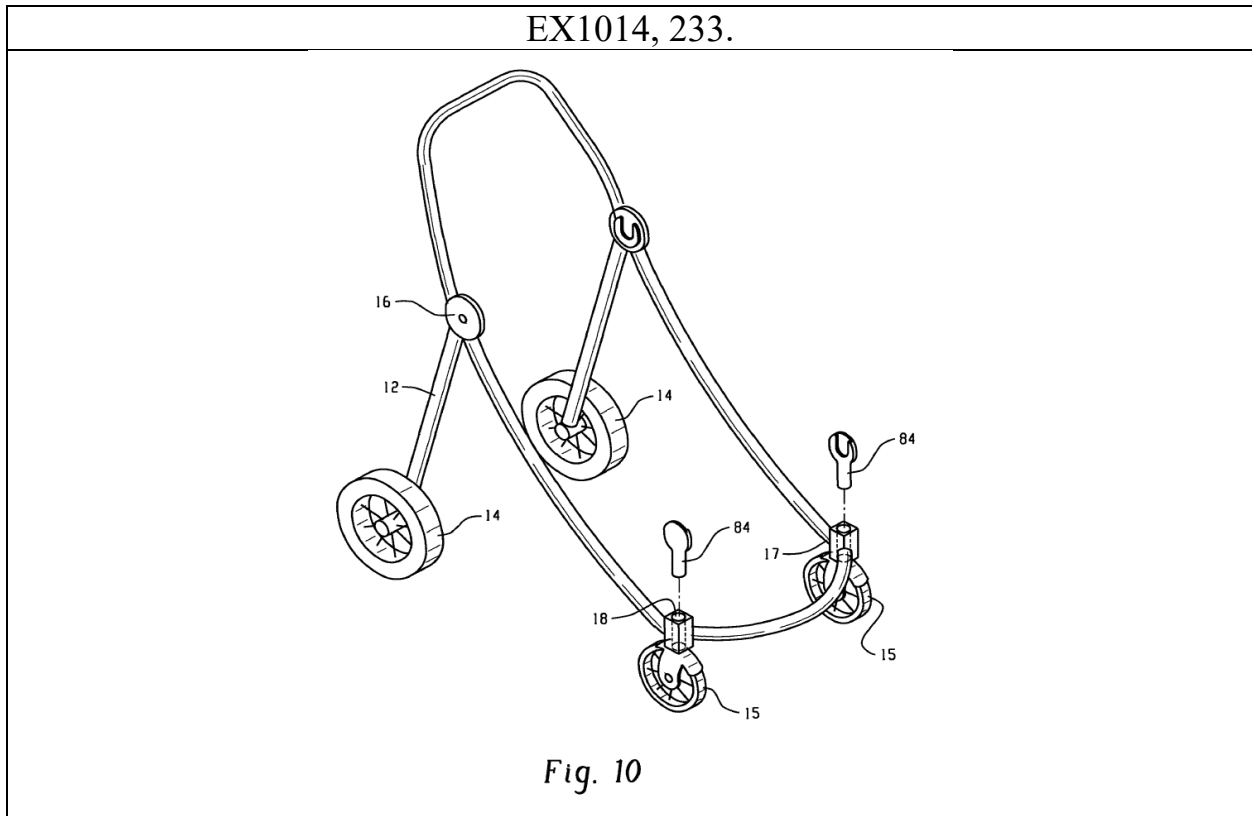
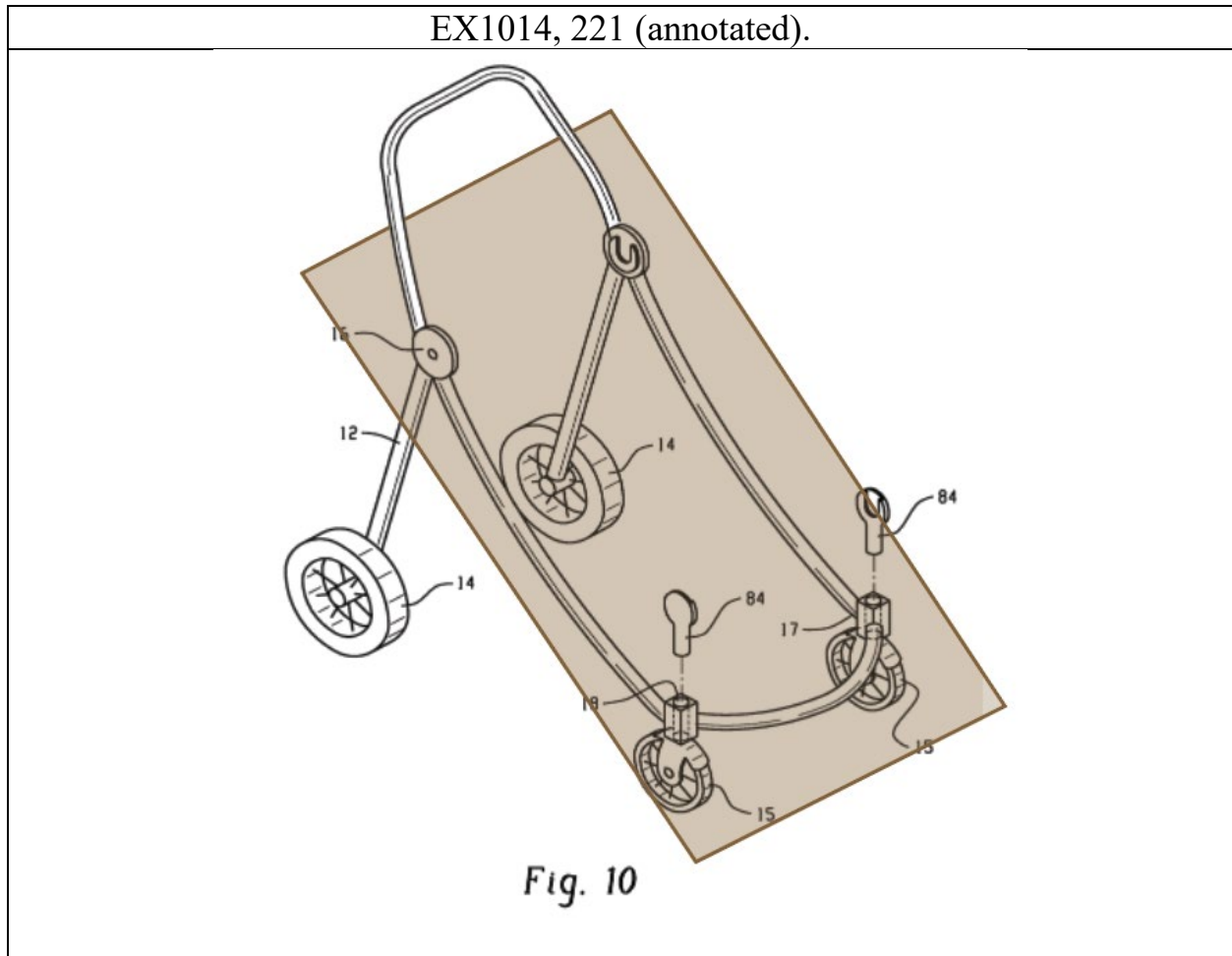


Fig. 10 illustrates curved support members that extend between folding mechanisms 16 and attachment frame members 17. See EX1014, 222, 233-234. A POSA could draw a plane running diagonally from the handle portion toward the front end portion of the frame, as annotated below. EX2011 ¶ 71.



Because the curved support members are not perfectly linear, they do not lie entirely within the plane. This curvature means portions of the frame deviate slightly from the geometric plane—yet the frame members still extend *substantially* within the plane. EX2011 ¶ 71. Fig. 10 thus provides affirmative, visual disclosure that the pre-2016 filings disclosed foldable support members extending “substantially within” a plane—not merely “strictly” within one.

Notably, the Examiner never raised a new matter objection to these figures and subsequently issued a Notice of Allowance, thereby implicitly finding that Fig.

10 was supported by the original specification. *See* EX1014, 276-277; 333–343.

Petitioner's expert claims that the Examiner objected to Figure 10 and that "it does not appear this objection was addressed as the Patent Owner ultimately elected to abandon" the application. EX1001 ¶¶ 111–112 (citing Examiner's August 2013 objections and applicant's June 2014 Petition to Withdraw from Issue, EX1014, 276–277, 519–521). But the Examiner had resolved those objections for himself by February 2014, when he issued the Notice of Allowance. EX1014, 333–343.<sup>12</sup> The 2016 Provisional did not introduce the concept of "substantially" planar.

*c. The opinions of Petitioner's expert are methodologically flawed.*

Rather than asking whether the disclosures reasonably convey possession of the invention, Mr. Prairie points to the absence of specific terms as proof that the underlying concepts were not disclosed. *See, e.g.*, EX1001 ¶¶ 204, 210 (complaining that "[n]owhere in the First Provisional do the terms 'plane' or 'planar' appear and nowhere does the First Provisional disclose anything about the claimed substantially planar relationship."); *id.* ¶ 186 (opining that "handle portion" was not disclosed in earlier applications while pointing to identical figures as the patent). But the written-description standard asks whether a POSA would

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<sup>12</sup> And as noted above, those objections were not new matter objections in any case.

understand the prior disclosure as conveying possession of the claimed subject matter—not whether the drafter used identical terminology. *PowerOasis*, 522 F.3d at 1306 (“The disclosure does not have to provide *in hac verba* support in order to satisfy the written description requirement.” (cleaned up)); *Maquet Cardiovascular LLC v. Abiomed Inc.*, 131 F.4th 1330, 1339 (Fed. Cir. 2025) (stating “a patentee is free to take a different approach to claiming an invention in subsequent patents, either by adding limitations or by altering the claims’ format”). Further, the “level of detail required to satisfy the written description requirement” for the stroller technology here is not high. *See Ariad*, 598 F.3d at 1351 (noting detail “varies depending on the nature and scope of the claims and on the complexity and predictability of the relevant technology”); EX2011 ¶ 32.

Mr. Prairie also overemphasizes the *post*-2016 filings, picking over wording and labeling changes. *See, e.g.*, EX1001 ¶¶ 187-192 (reviewing specifications and prosecution history starting with 2016), 216-231 (same), 208–217 (stating “Patent Owner redefined the stroller frame structure in 2016” (cleaned up)). But a CIP may elaborate upon, add embodiments to, or refine language from a prior application without conceding that the prior application lacked written description support. *See* MPEP § 201.08 (noting that a CIP “that has joint inventors may derive from [(i.e., claim priority to)] an earlier application that has a sole inventor”). The changes to the specifications discussed by Mr. Prairie are therefore consistent with normal

patent prosecution practice—clarifying and enriching a disclosure. Mr. Prairie's suggestion to the contrary is speculation, not evidence. His methodology inverts the legal standard: the question is whether the 2008 Provisional or 2009 Non-Provisional conveyed possession of the *claimed* subject matter, not whether the specifications in the 2016 Provisional and the '771 Patent use the same labels.

*d. Inventorship does not defeat priority*

Petitioner also alleges that the addition of three new inventors on the 2016 Provisional establishes that the challenged claims contain new matter. Pet. 13-15. This is a non sequitur. The addition of inventors to a continuation-in-part application does not establish that every claim of a subsequent patent depends on the newly added subject matter. *Cf Waldemar Link v. Osteonics Corp.*, 32 F.3d 556, 558 (Fed. Cir. 1994) (“A CIP application can be entitled to different priority dates for different claims.”). The relevant inquiry is whether the substance of the challenged claims finds written description support in the earlier application. *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1306 (Fed. Cir. 2008). As demonstrated above, it does.

*e. Petitioner's “transition statement” argument is irrelevant*

Petitioner's reliance on the “transition statement” under 37 C.F.R. § 1.78(a)(6) is equally unavailing. *See* Pet. 15 (citing EX1018, 21; EX1020, 49). This procedural mechanism assists the USPTO in determining whether to apply

AIA or pre-AIA law—it is not a substantive condition of patentability. *See* 78 Fed. Reg. 11024, 11032 (Feb. 14, 2013). As the Federal Circuit has stated, absent inequitable conduct, irregularities in complying with the PTO's internal examination procedures “become[] irrelevant after the patent has issued.” *Magnivision, Inc. v. Bonneau Co.*, 115 F.3d 956, 960 (Fed. Cir. 1997).

**2. *Even if Rolicki is prior art, Ground 1 does not show the claims are obvious over it***

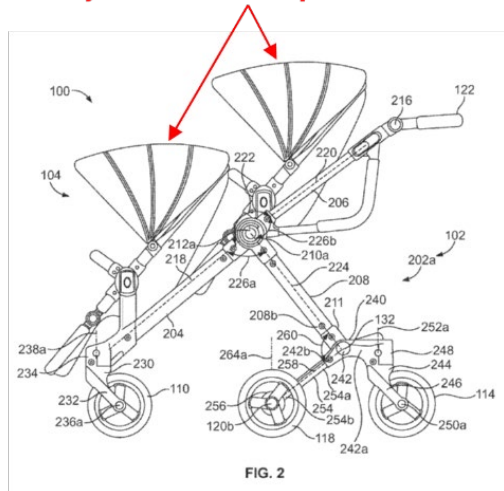
**a. *The Petition's arguments under its erroneous construction of [1.4] and [1.5d] fail.***

With respect to elements [1.4] and [1.5d], the Petition argues that Rolicki discloses first and second seats (106) that are each releasably connected to its frame in a forward-facing position. Pet. 36-37 (citing EX1047, 3:53-64; EX1001 ¶ 304-313), 42 (citing EX1047, 3:53-61; EX1001 ¶ 314-315, 324). Relying on its interpretation that Claim 1 does not require the seats to be reversible, the Petition concludes that “[s]ince Rolicki Fig. 2 discloses the seat attached in the forward position, this limitation is met.” Pet. 37 (addressing [1.4]); *see also* Pet. 42 (repeating same argument for [1.5d]). Under the correct construction of Claim 1, this is not enough.

There is no dispute that Rolicki fails to disclose either of the seats (106) are adjustable from a forward-facing configuration to a rearward-facing configuration. *See* Pet. 37, 42-43 (arguing Rolicki discloses forward configuration); EX1001

¶ 311 (opining Rolicki meets only “one of the claimed alternatives”).<sup>13</sup> In fact, Rolicki includes *twenty-nine* figures of *five* different example strollers, *none* of which show a stroller seat facing any direction other than forward. *See* EX1047, Figs. 1-29, 1:26-2:24 (identifying the “example stroller[s] ... in accordance with the teachings” of its disclosure); *see also* EX2011 ¶ 71. Under the correct construction of elements [1.4] and [1.5d], explained in Section III.A.2 above, Rolicki simply fails to disclose or suggest first and second seats that are connectable “in either a forward or backward facing position.”

*Removable first and second seats  
always in a **forward position***



***Rolicki – Fig. 2***

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<sup>13</sup> When asked to confirm the simple *fact* that Rolicki does not show any seat facing backward, Mr. Prairie stubbornly refused to do so, arguing repeatedly about the *legal question* of what the claim requires—even when directed to assume a different claim construction. EX2100, 74:18-78:5.

*b. The Petition's alternative arguments fail to establish that removable and reversible seats ([1.4] and [1.5b]) would have been obvious in view of Rolicki.*

Effectively conceding the above deficiency of Rolicki, the Petition also argues that Rolicki incorporates by reference the disclosure of WO 2012075157 (“WO ’157”). Pet. 37 (citing EX1050); *see also* Pet. 42-43. The Petition argues—in the briefest of fashion—that WO ’157 “discloses a similar seat connector and the seats connected in both the rear facing position and front facing position.” Pet. 37. This backdoor attempt to make an obviousness argument based on the supposed teachings of another reference also fails, for multiple reasons.

As an initial matter, the WO ’157 publication is *not* identified in the Grounds of unpatentability. The Petition states that it only “relies on” five specific references—not including the WO ’157 publication (EX1050)—and the WO ’157 publication is not identified in the “Grounds of Challenge” under 37 C.F.R. § 42.104(b)(2). Pet. 2-4. Thus, there is no “ground” of obviousness over the combination of Rolicki and the WO ’157 publication in this proceeding.

The Petition does not specifically allege that WO ’157 discloses that its stroller seats are removable and reversible, as the claims require. Rather, the Petition asserts only that WO ’157 discloses seats “in both the rear facing and front facing position.” Pet. 37; *see also id.* (asserting there is “a second seat connectable

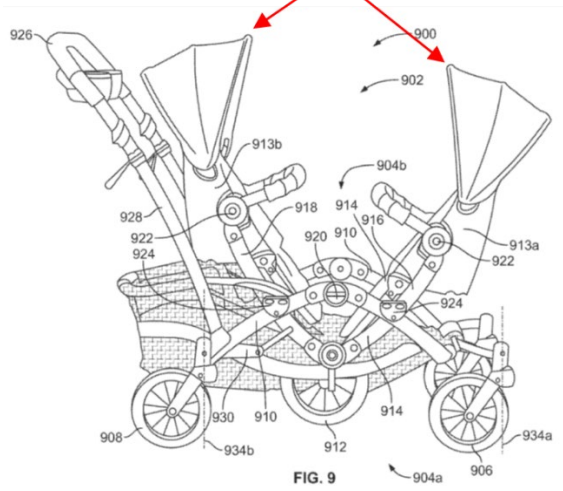
in the rear facing direction”). And for that proposition, it points only *generally* to Figure 9 in WO '157. Pet. 37.<sup>14</sup>

Figure 9 shows a stroller (completely different from those in Rolicki's figures) with two seats oriented in opposite directions. In other words, Figure 9 in WO '157 merely shows a first seat fixed in a forward-facing position and a second seat fixed in a backward-facing position—*not that either seat can be adjusted from forward-facing to backward-facing and vice versa*. Indeed, nowhere does WO '157 disclose stroller seats that are adjustable from a forward-facing configuration to a rearward-facing configuration and vice versa. *See generally* EX1050; *see also* EX2011 ¶¶ 83-84. Thus, neither Rolicki (nor the disclosure of WO '157 that is allegedly incorporated by reference) discloses elements [1.4] or [1.5d] under the correct claim construction.

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<sup>14</sup> The Petition also refers to paragraph 312 of Mr. Prairie's testimony, which cites to *no portion* of WO '157 and merely parrots the Petition. See EX1001 ¶ 312 (citing EX1050 only generally). This testimony is thus entitled to no weight.

*No teaching that either seat  
can be **adjusted** from forward-  
facing to backward-facing*



**WO '157 – Fig. 9**

Finally, the Petition argues—with respect to element [1.4] only—that “strollers with connectors that permitted the seat positions to be reversed were well known to a POSITA at the time of the invention.” Pet. 37. The Petition supports this assertion with the same two cites—Figure 9 of WO '157 (EX1050) and paragraph 312 of Mr. Prairie's testimony (EX1001, which in turn cites generally to his Background section). As discussed above, WO '157 simply does not disclose reversible stroller seats, and neither Petitioner nor Mr. Prairie point to any disclosure in Rolicki or WO '157 that even arguably discloses this feature. See also EX2011 ¶¶ 82-84.

There should be no question that Rolicki and WO '157 (even if considered as a single reference) fail to disclose or suggest seats that are adjustable from a forward-facing configuration to a rearward-facing configuration. And even if it

were true that reversible stroller seats “were well-known” (Pet. 37), it remains the Petitioner’s burden to provide some articulated reasoning with some rational underpinning for how and why a POSA would have been motivated to modify Rolicki to include reversible seats with a reasonable expectation of success. *See* 35 U.S.C. § 312(a)(3) (requiring a petition to identify, “with particularity, ...the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge”); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) (“obviousness concerns whether a skilled artisan not only *could have made* but *would have been motivated to make* the combinations ... of prior art to arrive at the claimed invention.” (emphasis in original)); *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (“In an IPR, the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.”).<sup>15</sup> And Petitioner carries that burden regardless of whether it is combining multiple references or—as Petitioner seems to contend

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<sup>15</sup> *See also In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380–81 (Fed. Cir. 2016) (rejecting an argument that the Board properly “ma[de] an obviousness argument on behalf of [petitioner]” that “could have been included in a properly-drafted petition,” noting the Board cannot “adopt arguments on behalf of petitioners” (citations omitted)).

based on the purported incorporation by reference—“combining multiple embodiments from a single reference, or selecting from large lists of elements in a single reference.” *In re Stepan Co.*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017); *SIBIA Neurosciences, Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356 (Fed. Cir. 2000) (noting “there must be a showing of a suggestion or motivation to modify the teachings” of even “a single prior art reference” to support obviousness).

Here, the Petition and Mr. Prairie utterly fail to provide a sufficient analysis to support the allegations of obviousness under Ground 1. For at least these reasons, the Petition fails to show the challenged claims are obvious over Rolicki, and Ground 1 should be rejected.

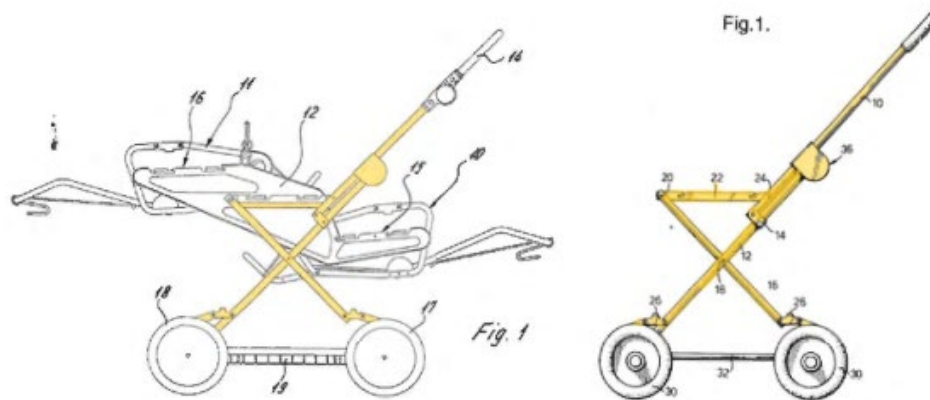
**B. Ground 2 (Obviousness over Gotting and Britax)**

The Petition asserts that Claim 1 is obvious in view of EP Publication No. 0980810 to Gotting (“Gotting”) and DE Publication No. 29810646 to Britax-Teutonia Kinderwagenfabrik GmbH (“Britax”) (Ground 2). Pet. 59-72. But Gotting does not disclose or teach the claimed arrangement of elements. Rather, Petitioner and Mr. Prairie’s mapping of the claims onto Gotting reveals that their analysis is infected by hindsight.

**1. Overview of Gotting and Britax**

Gotting discloses a stroller frame that, upon removal of a single seat from the base frame, can receive a set of adapters 12 onto which two seats can then be

mounted. *See generally* EX1041; EX2011 ¶ 91. Gotting does not expressly *show* the single-seat configuration, but the parties agree Britax discloses the same underlying stroller frame. Pet. 62; EX1001 ¶ 400; EX2011 ¶¶ 92-94. Britax thus effectively discloses a single-seat configuration for the stroller frame of *both* Britax and Gotting, as illustrated by Petitioner's figure shown below. Pet. 121; EX1001 ¶ 481; EX2100, 175:20-176:17; EX2011 ¶¶ 93-94.

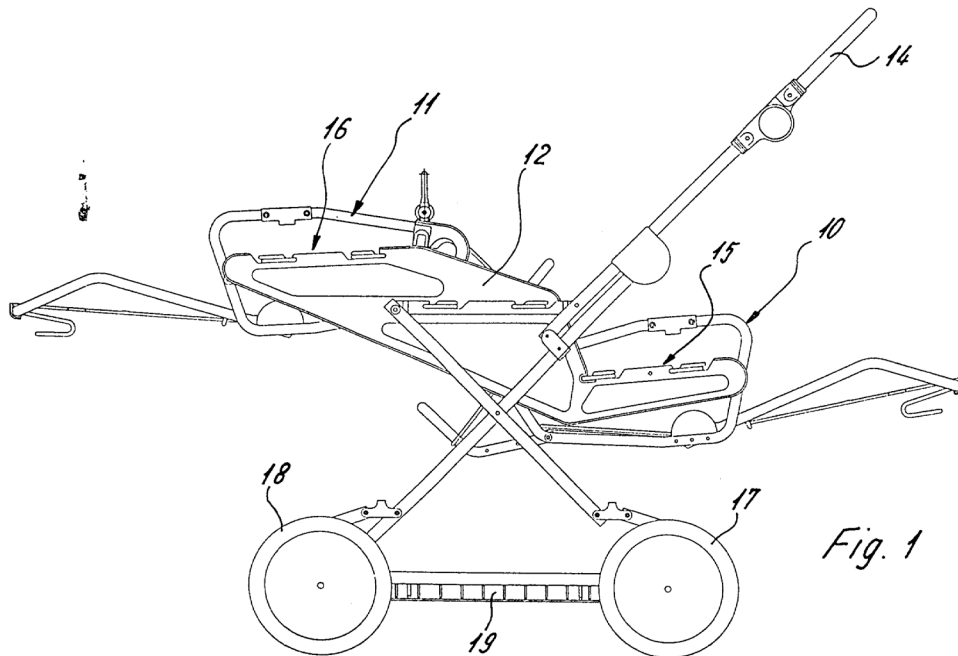


**EX1041, Fig. 1; EX1048, Fig. 1**

In the single seat configuration of Britax, the seat would connect to the frame via the horizontal frame member 22, shown above at right, which Petitioner refers to as “support bar.” See also EX2011 ¶¶ 94-95.

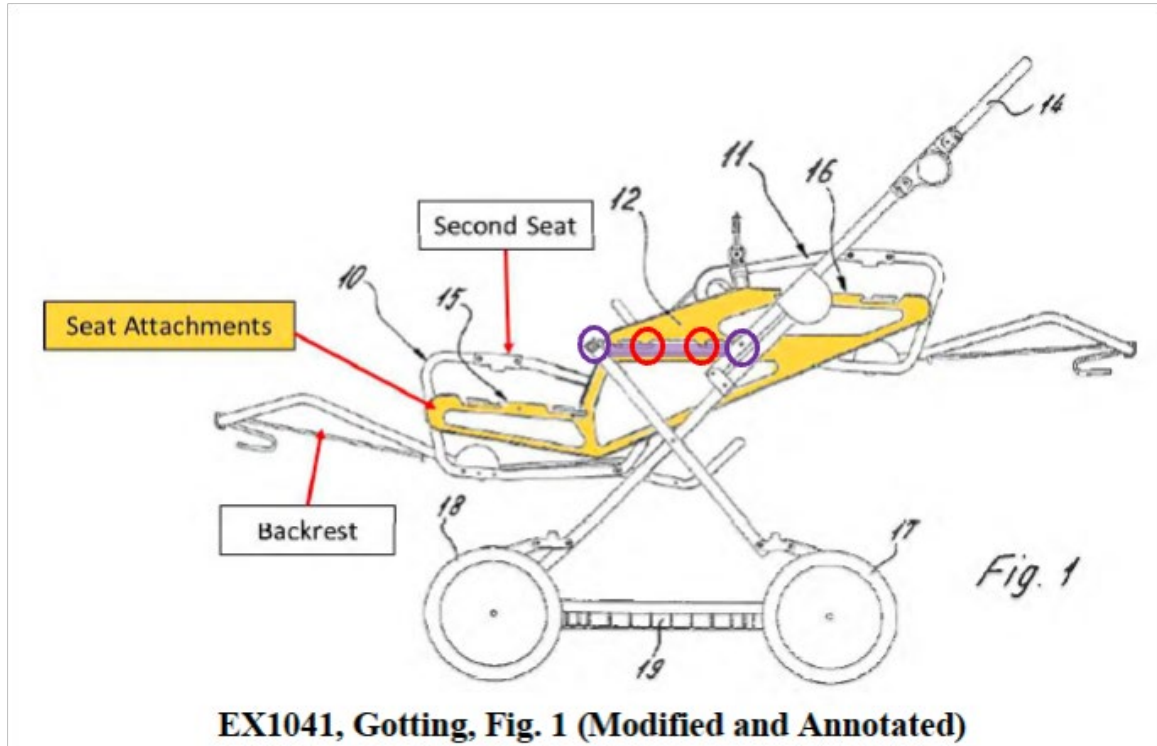
To provide a double seat configuration, Gotting discloses “two adapters 12” that connect to the support bar 22, and two seats that can be attached to adapters 12 at connecting points 15 and 16. EX1041 ¶ [0011]; EX2011 ¶ 96; *see also* Pet. 74-76; EX1001 ¶¶ 446-448 (“Britax provides a clear view of the slots of the support bar without the adaptor attached. ... In Gotting, the slots of the support bar engage

with ... 'adapter 12' to removably connect the adapter 12 to the frame ....'). In other words, to use adapter 12, the single seat must first be removed before attaching the adapter 12 at the same position on support bar 22. EX2011 ¶ 97.



The adapters 12 can be “reversed 180° on the frame” so that “the seat ... further from the push bar 14 [the forward seat] would be lower than the seat ... closer to the push bar [i.e., the rearward seat].” EX1041 ¶ [0014]. Petitioner provides an annotated Figure 1 showing this configuration, with the adapters 12 colored **gold**. Pet 71; EX1001 ¶ 435. The illustration below shows Petitioner's figure as further annotated by Dr. Cameron to identify the “pins” (**purple** circles) that the support bar 22 (**transparent purple**) extends between, and the connection

points between adapter 12 and support bar 22 (red).<sup>16</sup> See EX2011 ¶ 98. This is the configuration Petitioner contends renders the claims obvious.



Gotting also states, “The adapters 12 could also be eliminated by forming the attachments for the seats 10, 11 directly on the frame. This would eliminate the other configuration possibilities, however.” EX1041 ¶ [0014]; *see also id.* ¶ [0005] (stating the object of the invention “is solved by attaching the reclining seats *directly* or indirectly to the frame”). Gotting does not, however, provide any further information (in words or figures) to a POSA about where on the frame these

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<sup>16</sup> This figure also includes Petitioner's identification of the alleged claim elements.

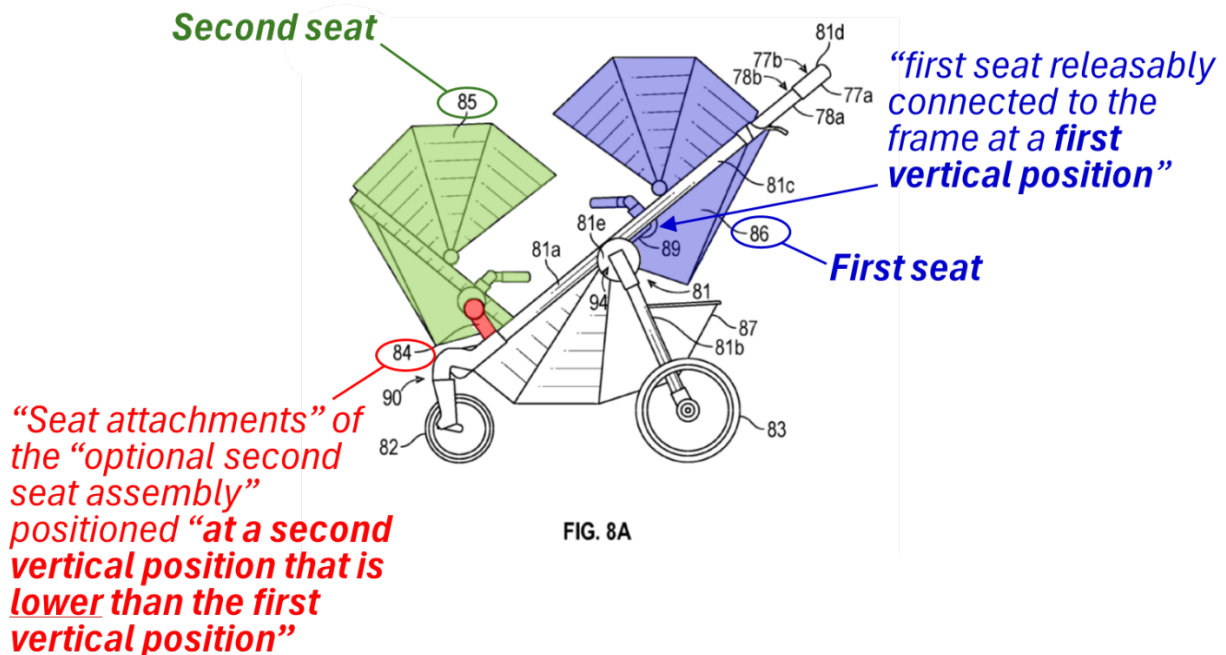
attachments might be formed or which “configuration possibilities” would be eliminated by doing so. *See* EX2011 ¶ 99.

In summary, Gotting teaches a “preferred embodiment” (EX1041 ¶ [0007]) where two adapters 12 (left and right side) are attached to a single-stroller frame (of Britax), so that two seats can be mounted to the adapter 12 to provide a double stroller. Gotting also briefly states the seats can be attached “directly” to the frame, EX1041 ¶ [0004], [0014], but it does not otherwise describe this hypothetical embodiment.

**2. *The combination of Gotting and Britax does not disclose or teach claim 1***

On the other hand, claim 1 of the '771 Patent describes a single stroller that can be converted into a double stroller by providing a frame that “receives an optional second seat assembly,” which comprises (i) “seat attachments” disposed along the supports of the frame and (ii) a second seat connected to those attachments. When the second seat assembly is in place, the first (original) seat and second seat are connected to the frame at different vertical positions along the plane that runs diagonally from the handle portion towards the front end. *See generally* claim 1; *see also* EX2011 ¶¶ 102-107. In other words, the right and left seat attachments—to which a “second seat” (85) is reversibly connected—must be positioned lower along the frame than where the first seat (86) is releasably

connected to the frame (the “first vertical position”). This configuration is shown in Figure 8A of the '771 Patent.



That contrasts sharply with Gotting’s double stroller, which uses a single large adapter (12) piece that Petitioner alleges discloses the claimed “right and left seat attachments” [1.5b].<sup>17</sup> But unlike the challenged claims, Gotting’s adapters (12) receive and support *both of Gotting’s first and second seats (10, 11)*, and that adapter is attached at a single point in the middle of the frame. EX2011 ¶ 107.

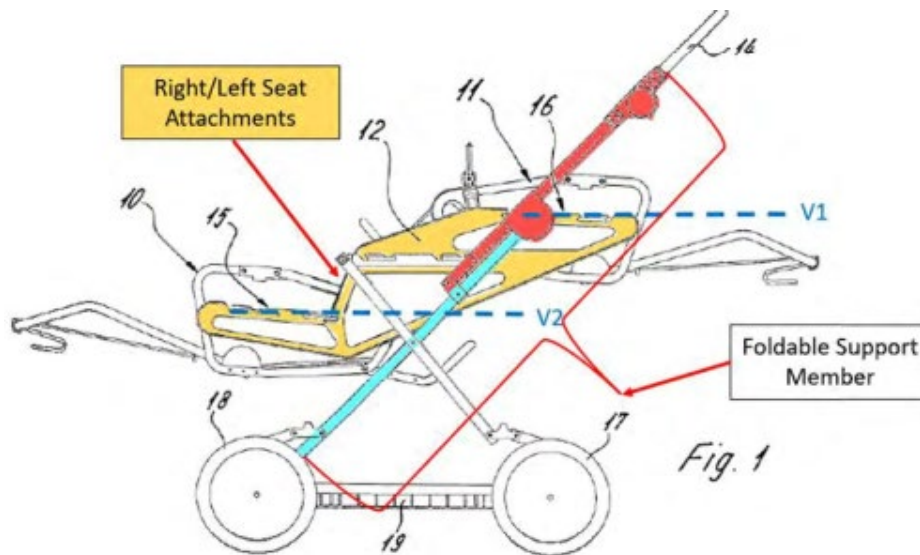
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<sup>17</sup> The Petition identifies *no other feature* of Gotting (or Britax) to be the claimed “right and left seat attachments” of the optional second seat assembly. Both Petitioner and Mr. Prairie expressly identify the *entire* adapters 12 as the claimed “seat attachments” of [1.5b].

Petitioner and Mr. Prairie make a tortured attempt to map this fundamentally different structure onto the challenged claims, but these critical differences between these strollers doom their hindsight reconstruction of the claim.

*a. The alleged “seat attachments” are not “disposed along the right and left support members” required by [1.5b]*

Claim 1 requires that “the frame receives an optional second seat assembly” comprising two “right and left seat attachments disposed along the right and left support members of the frame, respectively,” and a second seat “connectable to” those seat attachments. Petitioner identifies the entire adapter 12 as disclosing the “right and left seat attachments” element, as shown in Petitioner’s annotated figure. Pet. 69; EX1001 ¶ 429. Petitioner’s annotated figure also highlights the “right and left support members of the frame.”



**EX1041, Fig. 1 (Modified)**

Petitioner asserts adapters 12 are “disposed along the ‘foldable support members’ at a second vertical position V2.” Pet. 69; EX1001 ¶ 429. But Petitioner and Mr. Prairie do not explain *why* a POSA would understand the adapters are “disposed along” those members or why the position illustrated as V2 was chosen—other than a (hindsight) conclusion that doing so “places the ‘second seat’ lower than the ‘first seat.’” *Id.*; *see also* EX2011 ¶ 115.

As explained above, the correct understanding of a POSA is that element [1.5b] means the seat attachments must be positioned at a location on the length of the frame's support members, such that the vertical position on the support members is lower than the recited “first vertical position.”<sup>18</sup> Section III.D above; *see also* EX2011 ¶¶ 108-112. It is *undisputed* that Gotting's adapters 12 are only attached to the frame *at the support bar 22*. See Pet. 75-77; EX2011 ¶ 112. This attachment point is the location or position a POSA would understand the adapter 12 is “disposed” at “along the frame.” EX2011 ¶ 112.

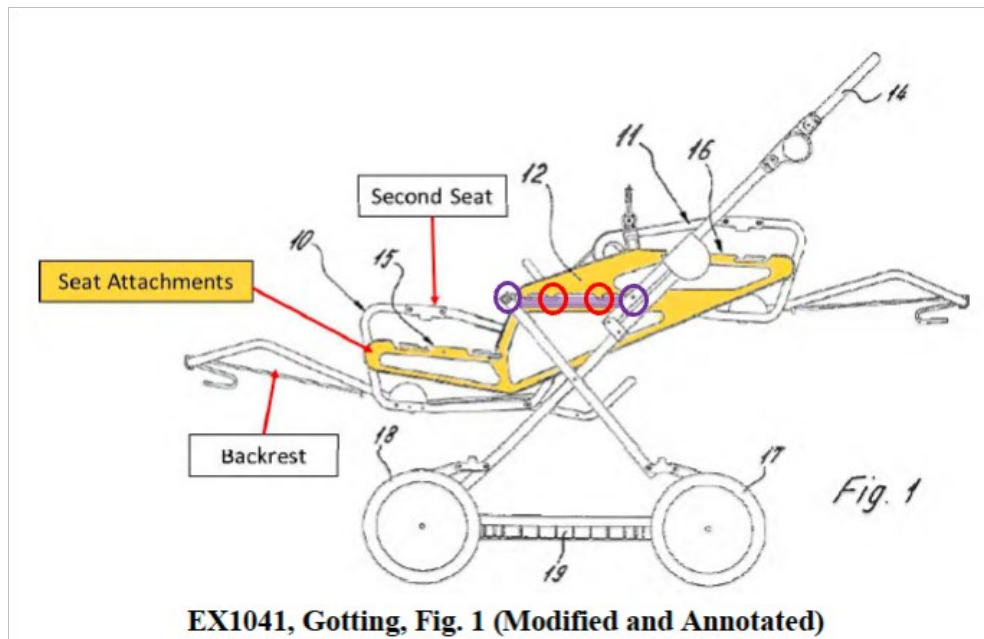
Further, as shown in Petitioner's annotated figure purporting to show the limitation of claim 5,<sup>19</sup> the support bar is not even *alleged* to be part of the foldable

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<sup>18</sup> And it is closer to the front end portion than the handle portion. [1.5c].

<sup>19</sup> Claim 5 recites “the seat attachments have connector portions configured to connect to the right and left support members.”

support members (in red and blue). Pet. 77 (below). While the support bar is attached at one end to an alleged foldable support member, adapter 12 is itself not “disposed along” that foldable support member. EX2011 ¶ 109 (annotation included below); *see also* EX1001 ¶ 445 (conceding the adapters only connect to the support members “through [the] support bar that is directly attached to” the supports). So a POSA would understand the adapter 12 is “disposed” on the support bar 22.



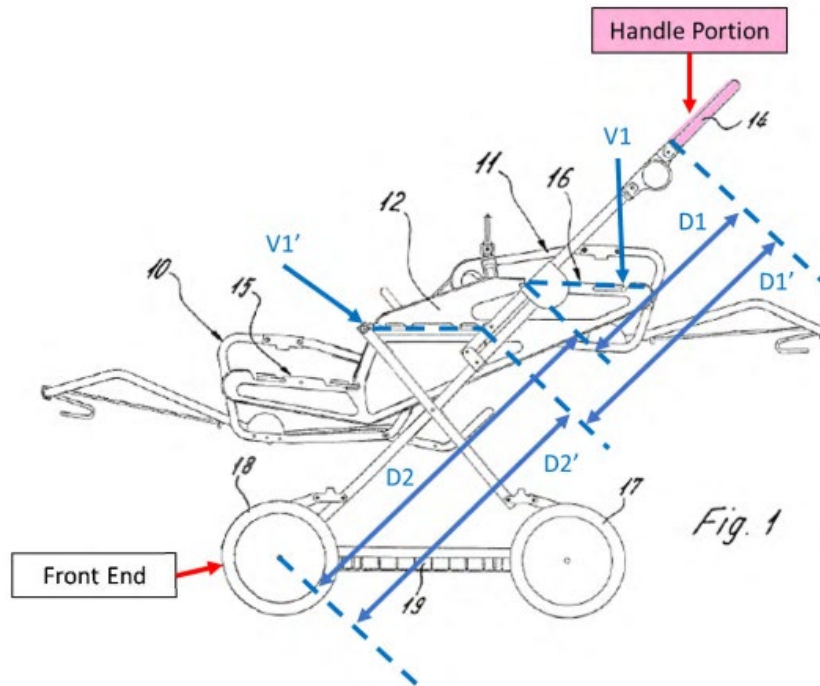
For the sake of argument, borrowing the language of element [1.5a] for illustration, Gotting’s “frame receives” the “optional” adapters 12 at that location—nowhere else. EX2011 ¶¶ 110-111. Petitioner’s attempt to reconstruct the claims from Gotting fails because the alleged seat attachment (adapter 12) is disposed on the support bar 22, not the alleged foldable support members (red and

blue). Thus, Ground 2 does not meet the arrangement of elements required by [1.5b]. *See* EX2011 ¶¶ 108-112.

*b. The alleged seat attachments are disposed at a vertical position Petitioner concedes does not meet element [1.5c]*

Petitioner cannot show Gotting and Britax meet element [1.5c], which requires that the “second vertical position” where the seat attachments are “disposed” is “closer to the front-end portion than the handle portion” of the frame. As just discussed, the adapters 12 are disposed along or on the support bar 22. Petitioner and Mr. Prairie label the vertical position of the support bar as the line V1’—*not* the lower vertical position V2 they assert meets the claims. EX2011 ¶ 114; Pet. 67 (showing V1’ through the support bar); EX2100, 179:20-180:5 (Mr. Prairie agreeing that V1’ is drawn where Gotting’s adapter 12 attaches to the support bar).

But Petitioner expressly asserts that vertical position V1’ is “closer to the pink ‘handle portion’ than the ‘front end portion’ as shown the distance arrows ... D1’<D2’ ....” Pet. 66-67; EX1001 ¶ 421; EX2100, 193:23-194:10, 195:25-196:17 (Mr. Prairie repeating that he “stand[s] behind” his assessment of distances, without providing any further explanation). Petitioner cannot now take the position that V1’ is closer to the front. So Ground 2 fails to disclose the configuration required by [1.5c] as well. EX2011 ¶ 113-118.



EX1041, Fig. 1 (Modified)

Moreover, Petitioner's contention that a POSA would understand the left and right seat attachments are disposed at the vertical position labeled V2 is *entirely* conclusory and unsupported. EX2011 ¶ 115. During cross-examination, Baby Jogger tried in vain to have Mr. Prairie explain his rationale for selecting the reference points and measurements he annotated; he refused. *See, e.g.*, EX2100, 193:23-194:10, 195:25-196:17 (declining to explain his rationale for his annotations or whether he considered alternative reference points). The Petition cannot meet its burden to show element [1.5c] by arbitrary line drawing based on hindsight, and the Ground fails for this additional reason.

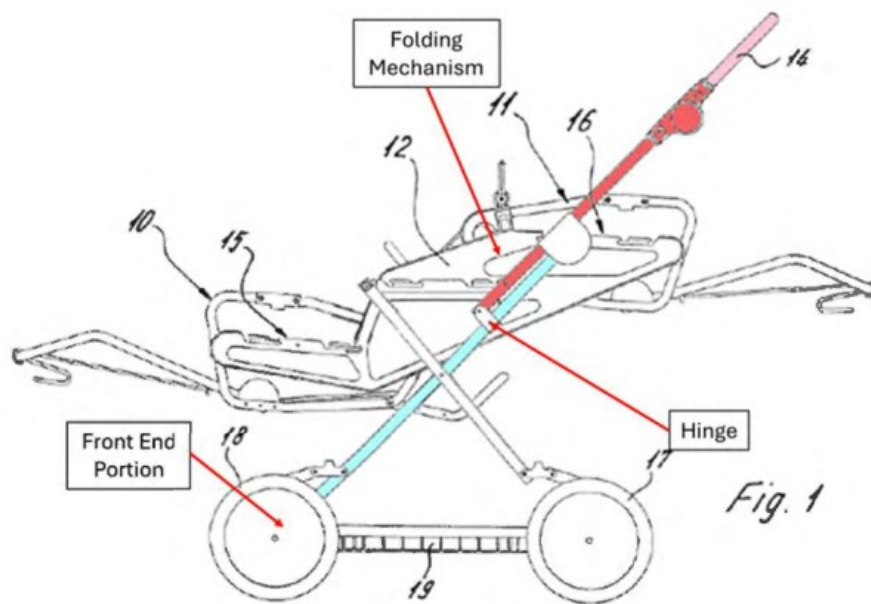
*c. Gotting's seats are not arranged in an inline descending configuration substantially along the plane of the frame [1.5e]*

The single location where the adapters 12 are attached to the frame at the support bar also means that the two seats, “when connected to the frame,” are not “arranged in an inline descending configuration substantially along the plane of the frame” as required by limitation [1.5e].

It is undisputed that Gotting teaches a configuration where a seat closer to the handle is “higher than” the seat closer to the front of the stroller. EX1041 ¶ [0014]; EX2011 ¶¶ 120-121; *see also* Pet. 71; EX1001 ¶ 437. But Petitioner and Mr. Prairie eviscerate the plain language of the term and reduce its scope to merely requiring one seat “higher than” the other.

The correct interpretation of the term anchors the “inline descending configuration” to the structural relationship between the seats and the frame—specifically, the points at which each seat physically connects to the frame via its “seat attachment.” Section III.C above. Applying that construction, a POSA would determine whether the seats are “inline descending” along the plane of the frame by referencing their single connection to the frame via adapter 12—that is, support bar 22 or V1'. EX2011 ¶ 122. Consequently, a POSA would not understand the seats to be in the claimed “inline descending configuration” because they are attached at the same location, rather than independent vertical positions. EX2011 ¶ 122.

Petitioner contends the relative positions of the seats should be based on where they are attached to *the adapters 12*. Pet. 71; EX1001 ¶¶ 437-439. But under that position (which we disagree with), a POSA would not understand the seats to be in an inline descending configuration substantially *along* the plane of the frame. EX2011 ¶ 123. Rather, the seats attach to connecting points 16 and 15 along the top of the adapter 12. Neither of those connecting points are *along* the support members that form the diagonal plane—there's no meaningful relationship between those locations and the “plane of the frame” at all. EX2011 ¶ 123.



EX1041, Fig. 1

Even more, the lower seat in Petitioner's illustration is positioned nearly over the front end/wheels, jutting outward far past the blue tube (alleged to be the support member) making up the plane of the frame. EX2011 ¶ 124. But a POSA

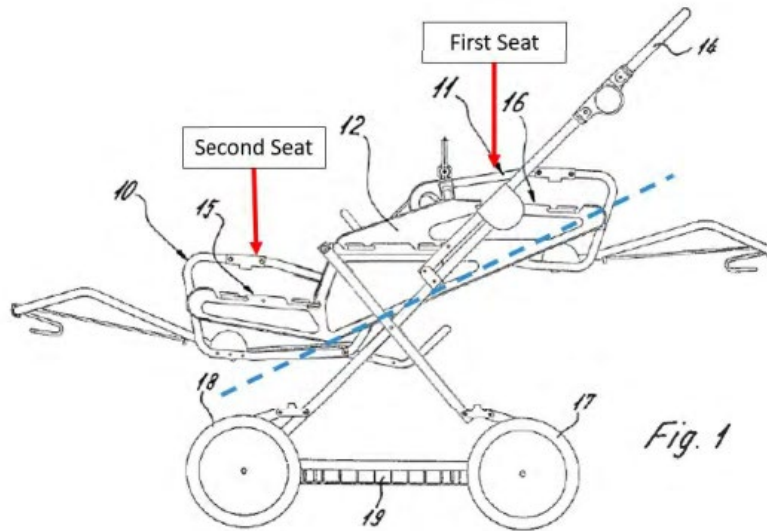
would not understand that that seat to be arranged “substantially along the plane of the frame” either. EX2011 ¶ 124.

Rather, Petitioner and Mr. Prairie have again drawn an arbitrary line—through no apparent reference points, as shown below (Pet. 71-72; EX1001 ¶ 437)—merely because they seek to *find* the claimed inline descending configuration where none exists. *Cf.* Pet. 107 (stating that “*if* an inline descending configuration were desired” a POSA could create it); EX2100, 145:23-149:9 (testifying that “*if you want*” [an] inline descending configuration,” or “*if* that is a desired configuration,” then a POSA could create it—without identifying any basis for that desire);<sup>20</sup> *see also* EX2011 ¶ 125. This result-driven approach is improper and should be rejected. *See InTouch Techs., Inc. v. VGO Commc'ns, Inc.*, 751 F.3d 1327, 1351–52 (Fed. Cir. 2014) (condemning expert's vague and conclusory

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<sup>20</sup> This testimony was directed to Mr. Prairie's opinions about a reference (Liao) in the related IPR allegedly disclosing a similar disclosing a similar limitation. When asked to articulate *why* he drew the line indicating an inline descending configuration, his explanations repeatedly focused on the result—to *show* the reference disclosed the claim limitation—rather than the *reason*. EX2100, 149:13-22, 151:22-152:10, 157:24-158:22.

testimony as infected by hindsight bias). Accordingly, Petitioner has not shown the claims are obvious under Ground 2.



EX1041, Fig. 1 (Modified)

*d. The alleged alternative embodiment of Gotting is insufficient to render the claims obvious*

As noted above, Gotting also briefly mentions that the adapters 12 “could be eliminated by forming the attachments for the seats 10, 11 directly on the frame.” EX1041 ¶ [0014]. Petitioner and Mr. Prairie reference this disclosure at multiple points (albeit without mentioning Gotting’s warning about eliminating configurations) in an apparent attempt to provide alternative mappings onto the claims. *E.g.*, Pet. 67, 69; EX1001 ¶ 422-423. Those references are as terse and conclusory as Gotting’s statement. *See* Pet. 67 (asserting Gotting’s “alternative[] discloses element [1.4]), 69 (same for [1.5a]); EX1001 ¶ 423 (alleging conclusion of obviousness), 427 (block-quoting Gotting without explanation).

That is a problem because, standing alone, paragraph [0014] of Gotting is insufficient to teach a POSA to arrive at the claimed invention. And because Petitioner and its expert add nothing of substance to paragraph [0014], they do not provide sufficient teaching for a POSA to arrive at the claimed invention (without the benefit of hindsight). Gotting (and Britax's) only disclosed direct connection to the frame uses two protrusions that slide into the horizontal frame member ("support bar") 22, whose length is almost *half the wheelbase* of the frame. EX1041 ¶ [0011]; EX2011 ¶ 100. The seats likewise use "three slots 20" to "snap into place" on the adapter. EX1041 ¶ [0012]; *see also* EX2100, 175:20-176:17. But there is no teaching of *where* or *how* such connectors could be integrated into the frame (13). EX2011 ¶ 100. Petitioner has not even attempted to provide this information or articulate a rational underpinning for how eliminating the adapters 12 would provide alternative mappings onto the claims—other than briefly mentioning paragraph [0014] of Gotting and calling it a day. The Petition (and Mr. Prairie) thus fails to carry its burden to show the claims are unpatentable over this hypothetical alternative.

**C. Ground 3 (Obviousness over Offord '341 and Offord '797)**

Petitioner contends that claims 1-15 of the '771 Patent are obvious over Offord '341 (EX1051) and Offord '797 (EX1054). *See* Pet. 88-119, 122. The crux of Petitioner's theory is that a POSA would have been motivated to reverse and

swap each “interface portion component 100” of Offord '341 because Offord '797 discloses a rotatable rectangular sub-frame. *Id.* at 96-99, 102; EX1001 ¶¶ 505, 507.

This theory fails for multiple reasons, each of which is separately dispositive.

**1. The “interface portion component 100” of Offord '341 is not functionally interchangeable with the “interface portion 10” of Offord '797**

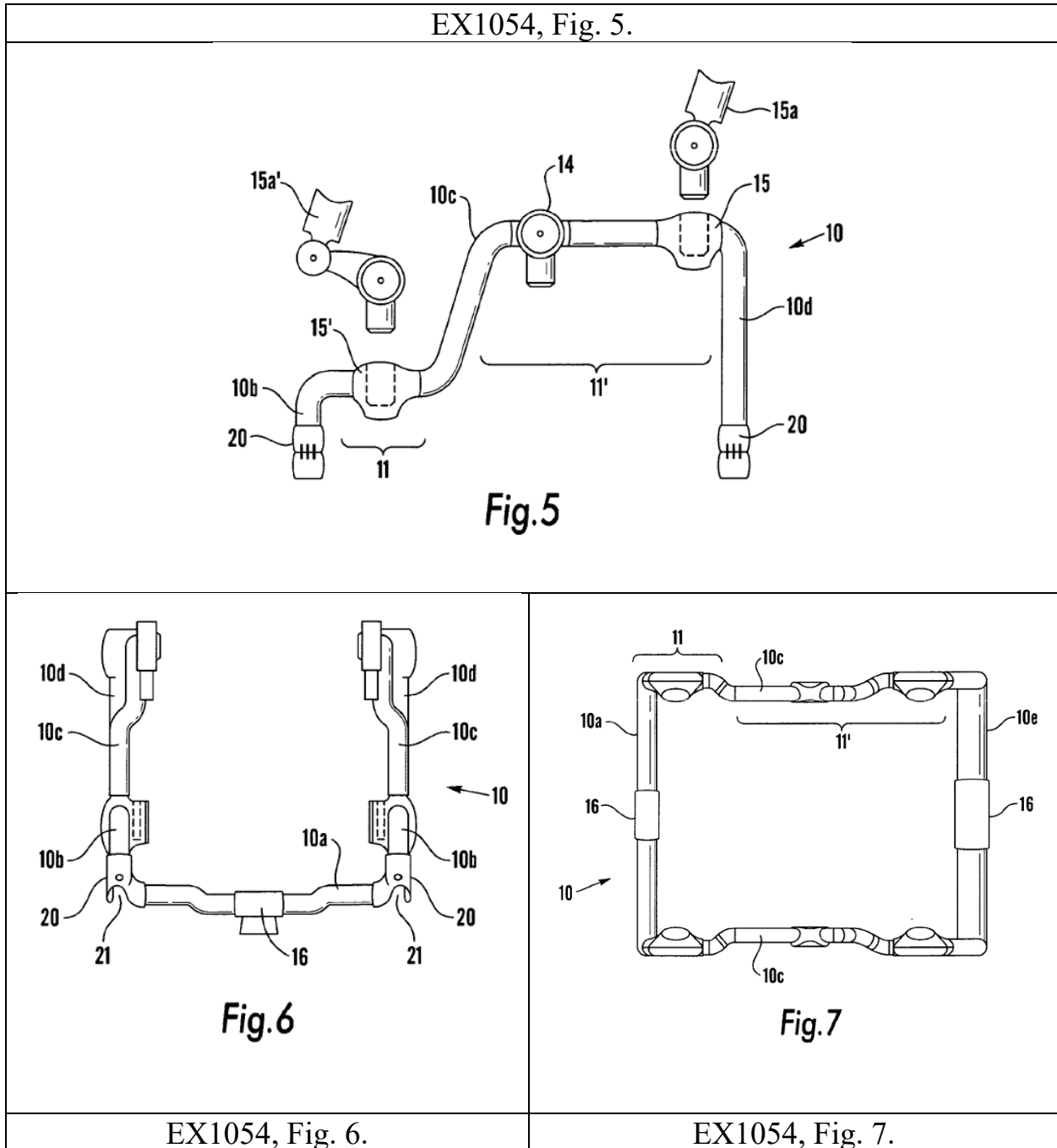
Petitioner's motivation theory rests on its expert's assertion that the “interface portion component 100” of Offord '341 and the “interface portion 10” of Offord '797 are “structurally and functionally interchangeable.” EX1001 ¶ 582. From this premise, Petitioner's expert concludes that a POSA would have been motivated to reverse Offord '341's interface components 100 “in the reverse orientation as disclosed in Offord '797.” EX1001 ¶¶ 582-583. The premise is wrong, and the conclusion does not follow.

**2. The “interface portion 10” of Offord '797 was designed to be reversed while “interface portion component 100” of Offord '341 was not**

The “interface portion 10” of Offord '797 is a symmetric, unitary rectangular structure specifically designed for 180-degree rotation. *See* EX1054, Figs. 5-7; *id.*, 3:12-30, 4:24-5:2; *see also* EX2011 ¶¶ 134-138. It incorporates at least three features that enable reversal.

First, Offord '797's interface portion 10 includes a “channel 21” at its front corners “in order to closely receive and rest on top of forward portions of the

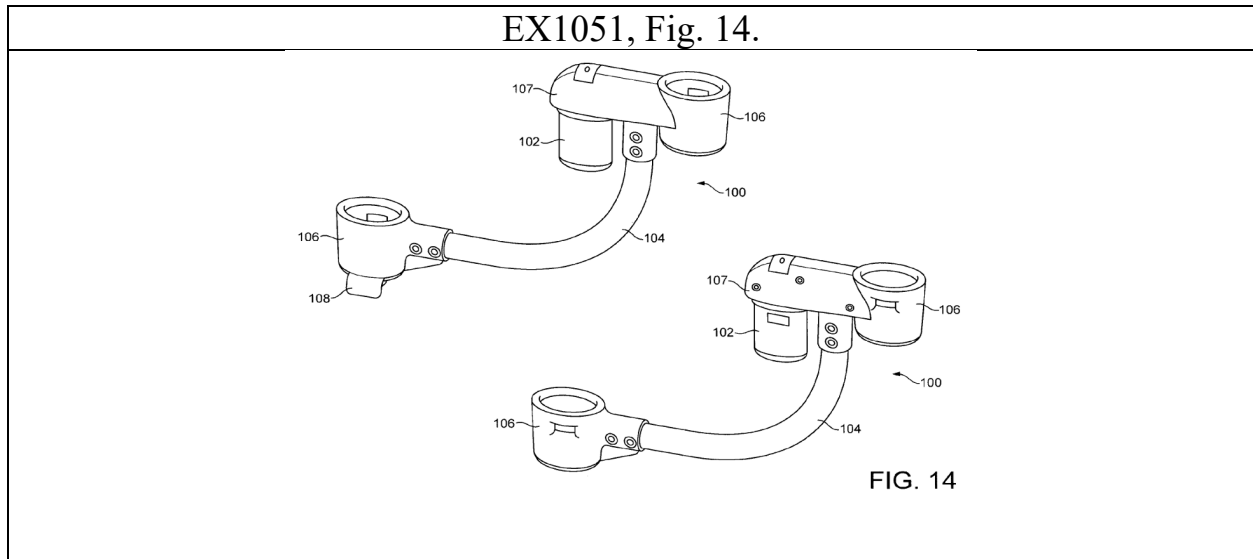
basket frame 18.” EX1054, 4:18-23; *see* EX1054, Figs. 5-6. This channel ensures that the interface portion remains supported regardless of which end faces forward after rotation.



Second, the interface portion 10 includes a “crossbar member 10e, located at substantially the same level and being of substantially the same length as the end crossbar member 10a.” EX1054, 3:20-22. The structural symmetry between the front and rear crossbars (10a and 10e) is what permits the interface portion 10 to function identically in either orientation.

Third, Offord '797 was designed with multiple support points to maintain stability during rotation. Specifically, the interface portion 10 is supported by (i) two connectors 14 that mount into the frame, (ii) two channels 21 that rest on the basket frame, and (iii) a clip 16—five support points total. EX1054, 3:3-14, 3:34-4:4, 4:10-23. As Offord '797 itself explains, these additional support points are necessary because “to achieve suitable stability, [interface portion 10] is also supported at other locations .... other than through the connectors 14.” EX1054, 4:10-23.

The “interface portion component 100” of Offord '341, shown below, is designed differently.



It is not a single rectangular unit but rather two separate, asymmetric components—each having a “connecting leg 102,” a “downwardly curved bar 104,” and two “connector sockets 106.” EX1051, 9:16-22; *id.*, Fig. 14. Each component is supported by only two points—the connecting leg 102 and a “lug 108”—and lacks the symmetry that enables rotation in Offord ’797. The absence of these design features confirms that the “interface portion components 100” of Offord ’341 were not designed for reversal and are not “functionally interchangeable” with the “interface portion 10” of Offord ’797.

Mr. Prairie confirmed this structural distinction on cross-examination. When asked why a POSA would not expect Offord ’341 to behave the same way as Offord ’797 when reversed, Mr. Prairie acknowledged the critical difference: “[I]n the older structures, ... it is a little bit more of a convoluted structure, it is more of a full assembly whereas the newer Offord is two individual brackets.” EX2100, 241:18-21. Mr. Prairie thus concedes that the sub-frames are structurally

different—yet his declaration treats them as interchangeable. This internal inconsistency undermines the reliability of his opinions.

3. ***The structural differences between the “interface portion component 100” of Offord ’341 and “interface portion 10” of Offord ’797 would have discouraged a POSA from making the proposed modification***

Even if the “interface portion component 100” of Offord ’341 and the “interface portion 10” of Offord ’797 were analogous (they aren't), the differences between them would have discouraged a POSA from reversing the interface portion component 100 of Offord ’341. Three specific problems would have been apparent.

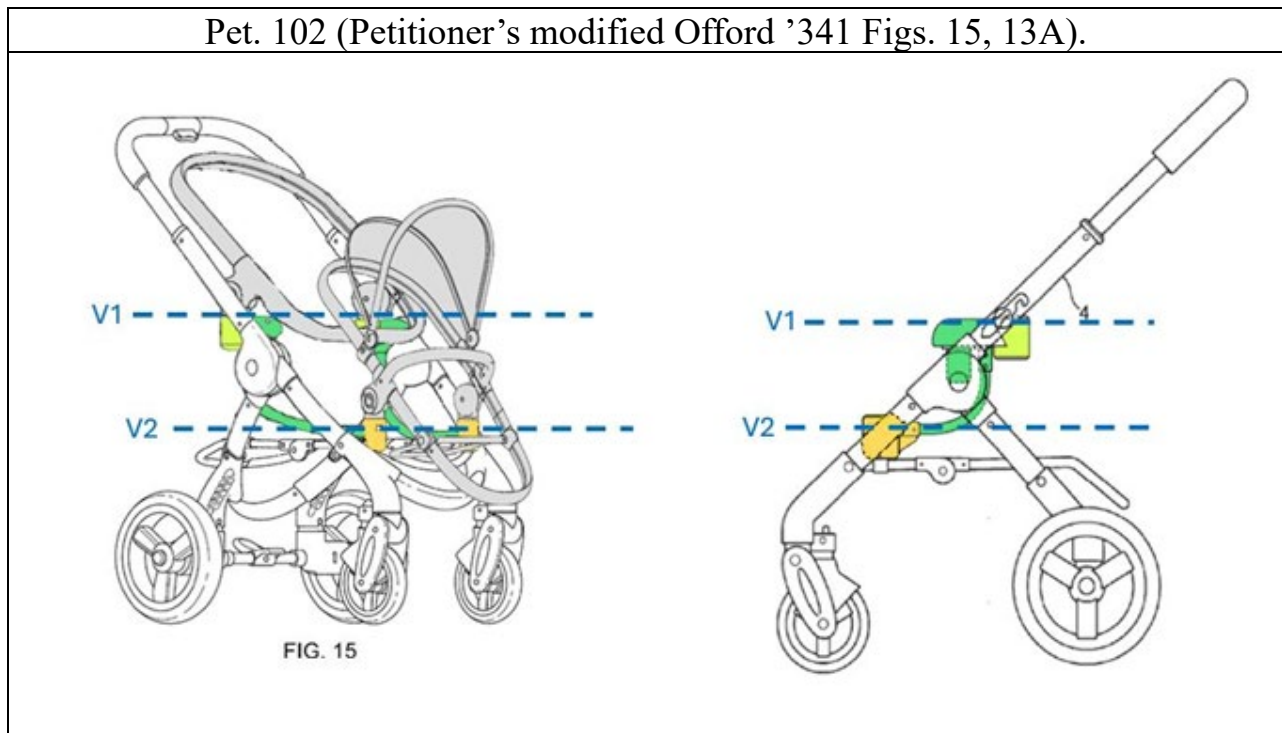
a. *The proposed modification would destabilize the stroller*

Offord ’341 warns that the vertical and horizontal positions of the connector sockets 106 must be carefully calibrated “such that the child-carrying units remain as close to the centre of gravity of the vehicle 2 as possible to prevent any possibility of dangerous tilting or toppling over.” EX1051, 9:45-52. The existing configuration of Figure 15—with the rear seat lower and front seat higher—was designed to work with the stroller's center of gravity as disclosed. In contrast to Offord ’797's lateral bars, leg 102 of Offord ’341 is not close to horizontally equidistant from the two connector sockets 106, resulting in the lower connector socket 106 problematically moving forward from the center of mass of the stroller when the interface portion component 100 is reversed. EX2011 ¶ 158. This could

lead to precisely the kind of “dangerous tilting or toppling over” that Offord '341 cautions against. EX2011 ¶¶ 156-158; EX1051, 9:45-52. A POSA reading Offord '341's stability warnings would have been led away from the proposed reversal, not toward it.

*b. The curved lug 108 would physically interfere with the frame connection*

In the as-disclosed configuration of Fig. 15, each “downwardly curved lug 108” rests on top of the “basket frame 44,” providing an additional support point “such that the weight of two infants is fully supported by the frame assembly.” EX1051, 9:32-36; EX1001 ¶ 509, 512-513. Petitioner itself relies on this feature, asserting that the lug resting on the basket frame but ignores what happens to lug 108 after reversal. Pet. 97-98; EX1001 ¶ 509, 512-513.



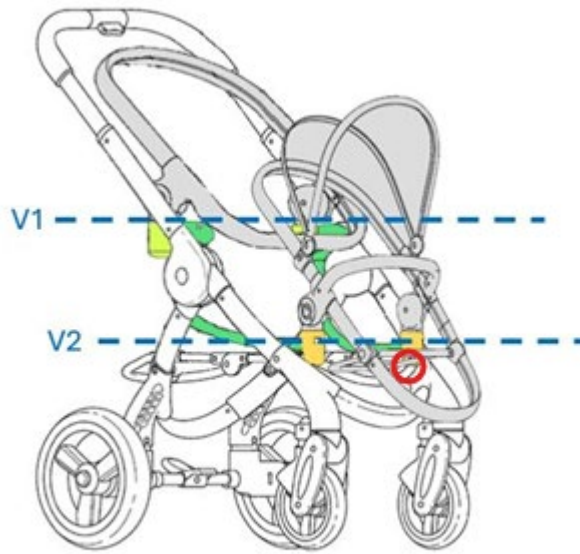


FIG. 15

Petitioner's modified Fig. 15 of EX1051 further modified to show the point of interference

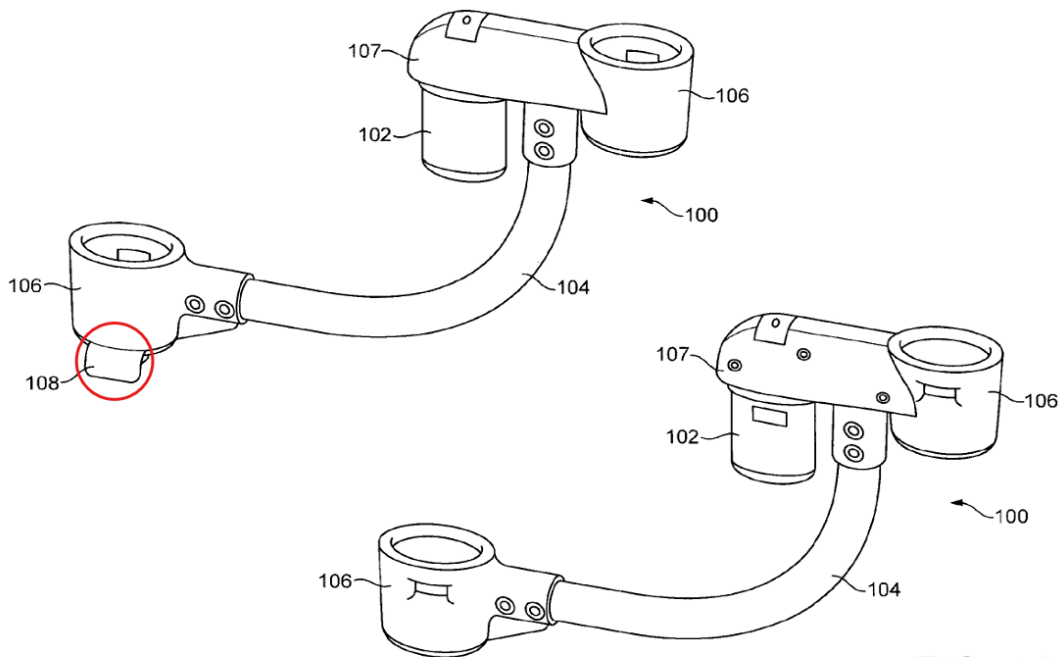


FIG. 14

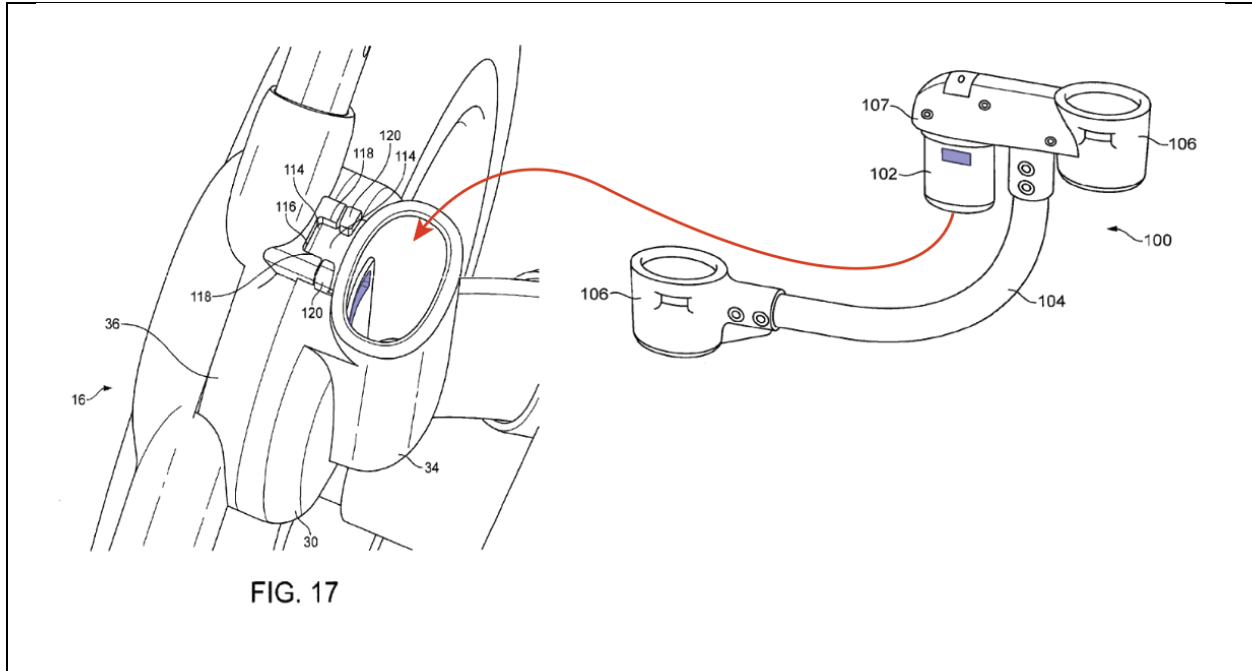
EX1051, Fig. 14 (with curved lug 108 circled).

As shown above, the location where the curved lug 108 would rest after rotation is already occupied by the physical connection between the basket frame 44 and the stroller frame assembly 4. *See* EX1051, Figs. 1, 13B. This creates a direct physical interference that would prevent curved lug 108 from providing additional support. *See* EX2011 ¶¶ 139-140. A POSA would have recognized this interference and understood that the interface portion component 100 was not designed to be reversed. *Id.*

*c. The asymmetric detent of connecting leg 102 would not align with the receptor cup 34 after reversal*

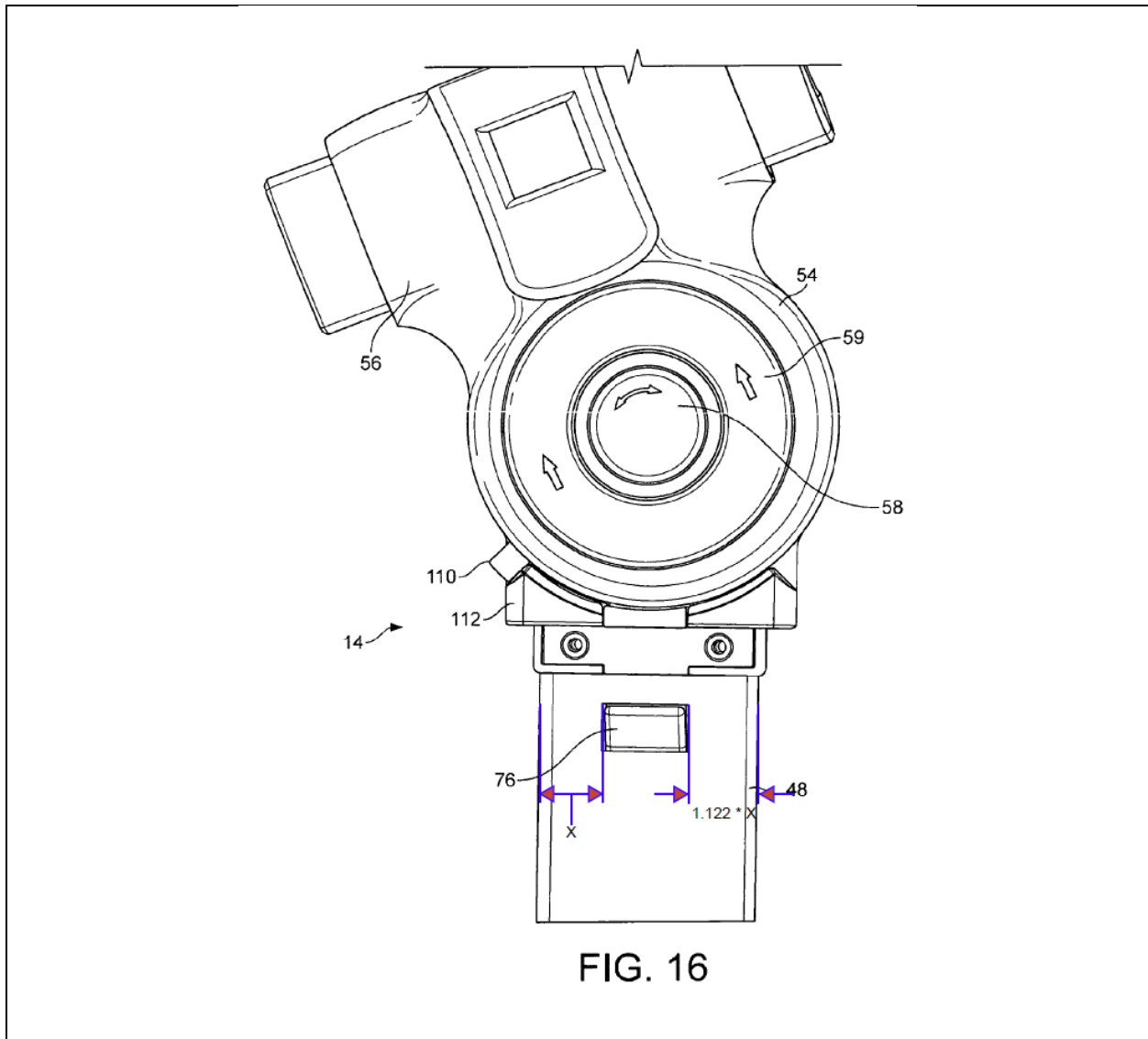
Petitioner's proposed modification requires that, after rotation, each connecting leg 102 on the interface portion component 100 must mate with the receptor cup 34 on the opposite side of the stroller. *See* Pet. 94-96; EX1001 ¶¶ 484, 490, 493-494. This requires that the detent (shown in blue below) on connecting leg 102 and the corresponding opening in receptor cup 34 (also shown in blue) be symmetrically positioned so that the detent aligns with its receiving opening after a 180-degree rotation. *See* EX2011 ¶¶ 134-138.

|                             |
|-----------------------------|
| EX1051, Fig. 17 (modified). |
|-----------------------------|



But they are not symmetrical. See EX2011 ¶¶ 135-137. The detent that interfaces between element 102 (and, relatedly, detent 76 on the mounting device 14, which interfaces with the same receptor cup 34) is not centrally located on the component. Inspection of Figure 16 of Offord '341 shows that detent 76 is closer to the left side of connecting leg 48 than the right side. EX2013. This asymmetric offset means that the detents are located closer to one side than the other.

EX2013.



This asymmetry is fatal to the proposed modification. If the interface portion component 100 is rotated 180 degrees and mounted on the opposite side of the stroller, the detent on element 102 would not align with the receiving opening in receptor cup 34. Likewise, if one were to attempt to swap and insert the mounting device 14 after reversal (as shown in Petitioner's modified Fig. 15 of EX1051 at Pet. 99), detent 76 would not align with its receiving opening in the receptor cup

34. A POSA would have recognized that the asymmetric design of these mating components precludes the proposed reversal. *See* EX2011 ¶¶ 135-137, 139-140

**4. *Petitioner's articulated motivation to combine is conclusory***

Even setting aside the structural obstacles, Petitioner's stated motivation to modify Offord '341 does not withstand scrutiny. Petitioner asserts that "[a] POSITA would have been motivated to consult Offord '797 to understand potential applications to Offord '341, particularly regarding the reversibility of "interface components 100." Pet. 122; EX1001 ¶¶ 505, 581-582. Petitioner elsewhere repeats this theme in slightly different formulations—asserting that a POSA (i) "would have been motivated either by the teachings of Offord '341 alone or in combination with the teachings of Offord '797 to reverse the subframe assembly as shown above," Pet. 102; (ii) "would be motivated to use the 'sub-frame 10' disclosed in Offord '797 with the frame of Offord '341," *id.*; and (iii) "would have reasonably expected that reversing the sub-frame components in Offord '341 would achieve the claimed seating configuration." Pet. 122. But each of these statements does the same thing: it asserts that a POSA would "consult" Offord '797, or would generally consider using Offord '797's interface portion with Offord '341, without identifying a concrete, problem-driven reason *why* a POSA would choose the specific modification at issue—reversing and swapping the interface portion component 100. Consulting a cited reference, or being aware that

it might have “potential applications,” is not the same as being motivated to implement a particular feature in a particular way.

Petitioner's expert goes further and treats the mere fact that Offord '341 cites Offord '797 as a signal that the interface portion components 100 of Offord '341 should be understood as reversible “like” the interface portion 10 in Offord '797. Pet. 122; EX1001 ¶¶ 505, 581-582. This is *ipse dixit*. If the inventor of Offord '341 had intended to convey that the interface portion components 100 were reversible, he would have said so—as he did *expressly* in Offord '797. *Cf.* EX1054, 4:24-30 (explicitly disclosing that “the interface portion 10 is dimensioned so as to be ... turned through 180° about its central vertical axis”). The cross-reference to Offord '797 identifies “[a] similar sub-frame arrangement”—not a reversible one. EX1051, 9:35-36. Petitioner reads into this cross-reference a teaching that the inventor chose not to include.

Petitioner's rationale-to-combine section (Pet. 122) adds little substance. Petitioner states that “[r]eversing the ‘interface components 100’ so that the rear seat is higher than the front is merely the application of a known technique to a similar device with predictable results.” Pet. 122. This is a recitation of a *KSR* rubric, not an explanation of why a POSA would have had reason to make the specific modification proposed. *See Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1075 (Fed. Cir. 2015) (noting that *KSR* “does not establish that it suffices for

obviousness that a variation of the prior art would predictably work, but requires consideration of whether ... [a POSA] would recognize the potential benefits and pursue the variation”).

Critically, Petitioner's own framing reveals the gap in its theory: Petitioner identifies making “the rear seat ... higher than the front seat” as the *outcome* of the proposed reversal, yet nowhere in the Petition or in Mr. Prairie's declaration does Petitioner establish that a POSA would have viewed a higher rear seat as a beneficial outcome worth pursuing. Petitioner simply assumes the desirability of this result without ever articulating why a POSA would want a higher rear seat in the first place. Under *Belden*, that assumption is insufficient; petitioners must show not merely that a modification *could* produce a particular result, but that a POSA would have recognized the result as a benefit and pursued it. 805 F.3d at 1075.

This deficiency is compounded by the fact that Offord '797 itself does not teach that a higher rear seat is the purpose—or even *a* purpose—of reversing the “interface portion 10.” In Offord '797, the *stated purpose* of flipping the “interface portion 10” is “so that the seats 12 can, instead of being arranged in the rearward-facing configuration ... be arranged in a forward-facing configuration.” EX1054, 4:24-30. Offord '797 reverses the interface portion 10 to change the *direction* of the seats, not to change their *height*. See EX2011 ¶¶ 142.¶¶ 129-160142. But in Offord '341, the seats are already in a “forward-facing configuration.” See

EX1051, Figs. 1, 15. *None* of Petitioner's modified depictions of Offord '341 show the seats flipped into a "rearward-facing configuration." *See, e.g.*, Pet. 100-101, 103-104; EX1001 ¶ 537. Petitioner thus borrows the *mechanism* of reversal from Offord '797 while discarding the *only reason* Offord '797 gives for performing it. Having discarded that reason, Petitioner substitutes a different alleged outcome—a higher rear seat—but never explains why a POSA would have pursued that outcome as beneficial, betraying Petitioner's hindsight.

The result is a motivation theory with no anchor. Petitioner discards the one justification Offord '797 actually provides for its reversal—reorienting the seat direction. *Compare* Pet. 95, 98 (illustrating unmodified Fig. 15 of Offord '341 having forward-facing seats), *with id.* (illustrating modified Fig. 15 of Offord '341 also having forward-facing seats). And the alternative outcome that Petitioner identifies—a higher rear seat—is nowhere disclosed in Offord '797 as a benefit of the reversal; nor does Petitioner independently establish it as one. Petitioner thus asks the Board to find motivation based on a benefit that neither reference identifies and that Petitioner itself has never substantiated.

*Belden* requires more than a showing that a proposed modification would "predictably work"—it requires evidence that a POSA "would recognize the potential benefits and pursue the variation." 805 F.3d at 1075. Petitioner has never identified what "potential benefit" a POSA would recognize from reversing the

interface portion components 100 of Offord '341. The seat reorientation benefit disclosed in Offord '797 does not apply because Petitioner *doesn't* reorient the seats. The higher-rear-seat outcome is never established as beneficial. And no alternative benefit is articulated anywhere in the Petition or in Mr. Prairie's declaration. Where a petitioner cannot even articulate the benefit a POSA would have pursued, it has not carried its burden of establishing that a POSA "would recognize the potential benefits and pursue the variation." *Belden*, 805 F.3d at 1075; *see also In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.").

**5. *Petitioner uses the patent's claims as a roadmap***

Petitioner's proposed modification of Offord '341 is results-oriented. Petitioner's modified version of Figure 15 not only reverses the interface portion component 100 but also reverses each individual seat on the "interface portion component 100." *See* Pet. 9597-98. The Petition depicts both seats facing forward in the modified configuration—the same orientation as the '771 Patent's Fig. 3.

But Petitioner never establishes a separate motivation for this additional modification. The reason for this gap is straightforward: there is no such teaching. The only teaching about reversal in either Offord reference is Offord '797's

disclosure of rotating the entire interface portion 10 by 180°—which reverses both seats simultaneously. *See* EX1054, 4:24-30. If one starts with Offord '797 seats facing forward and the interface portion 10 is turned 180°, *both* seats will face backward. *Compare* EX1054, Fig. 2, *with* Fig. 1. Yet when Petitioner and Mr. Prairie reverse Offord '341's interface portion components 100—supposedly according to teachings of Offord '797—both seats *still* face forward. *See* Pet. 92; EX1001 ¶ 504.

To arrive at the proposed forward-facing arrangement, Petitioner must take the *additional*, unmotivated step of also reversing one or both individual seats. Petitioner has identified no teaching, disclosure, or rationale for this separate modification. This demonstrates that Petitioner worked backward from the patent to construct a combination that looks similar to the patent. This is the hallmark of impermissible hindsight reconstruction. *See Interconnect Plan. Corp. v. Feil*, 774 F.2d 1132, 1138 (Fed. Cir. 1985) (noting an invention “must be viewed not with the blueprint drawn by the inventor” but instead via “the state of the art that existed at the time”).

## V. CONCLUSION

For the reasons discussed, Petitioner fails to meet its burden of persuasion in this proceeding. The Board should reject the Petition and find all challenged claims not unpatentable.

Respectfully submitted,

/Warren Thomas/

Warren J. Thomas (Reg. No. 70,581)

**CERTIFICATION OF WORD COUNT, 37 C.F.R. § 42.24(d)**

Pursuant to 37 C.F.R. § 42.24(d), Patent Owner certifies that the foregoing Patent Owner's Response contains 13,448 words, excluding the portions as permitted by § 42.24(a).

/Warren Thomas/

Warren J. Thomas (Reg. No. 70,581)

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e) and agreement of the parties, I certify that:

- On March 13, 2026, copies of Patent Owner's Exhibits marked 2101, 2102, 2104, and 2106 were served on counsel for the Petitioner via electronic delivery during the cross-examination of Mr. Prairie and by email immediately following the deposition;
- On March 26, 2026, copies of this paper and all other accompanying exhibits were served on counsel for the Petitioner by email to:

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