

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC.,
Petitioner,

v.

BABY JOGGER, LLC,
Patent Owner.

U.S. Patent No. 11,577,771

Case No.: IPR2025-01140

**PETITIONER EVENFLO COMPANY, INC.'S OBJECTIONS TO
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(B)(1)**

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I. Introduction

Petitioner, Evenflo Company, Inc. (“Petitioner”), objects under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following evidence (collectively the “Challenged Evidence”):

- **Exhibit 2013** – “Annotated Fig. 16 of EX1051”
- **Exhibit 2101** – “Declaration of Douglas Prairie, Exhibit 1002 from IPR2019-01044”
- **Exhibit 2102**– “Declaration of Douglas Prairie, Exhibit 2004 from IPR2023-01161”
- **Exhibit 2104** – “Declaration of Douglas Prairie, Exhibit 1001 from IPR2025-01095”
- **Exhibit 2106** – “Declaration of Douglas Prairie, Exhibit 1001 from IPR2025-01100”

The Challenged Evidence was filed by Patent Owner, Baby Jogger, LLC (“Patent Owner”), on March 26, 2026, as part of Patent Owner’s March 27, 2026 Response to the Petition. Petitioner’s Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within five business days of the March 26, 2026 date, as well as the March 27, 2026 Patent Owner’s Response to Petition. Petitioner files these objections to provide notice to Patent Owner and as a prelude to a motion to exclude, which the Petitioner may file pursuant to 37 C.F.R. § 42.64(c).

II. Exhibit 2013

Under FRE 901, this document is inadmissible for lack of authentication. The exhibit consists of an annotated version of a prior art reference, but Patent Owner has not established who created the annotations, when they were created, or whether they accurately reflect the underlying reference. Metadata indicates that the annotations were created by a third party (“Sam Fritz”).

Under FRE 602/701, the annotations reflect statements and interpretations for which no witness with personal knowledge has been presented. Although Exhibit 2013 is cited in the Patent Owner Response and the supporting declaration, no declarant has testified or can verify how they were prepared by Sam Fritz.

Under FRE 702 and 37 C.F.R. § 42.65, to the extent the annotations reflect technical opinions, mappings, or interpretations of the prior art by Sam Fritz, such opinions are unsupported by any qualified expert testimony.

Under FRE 801/802 and 37 C.F.R. § 42.61, the annotations constitute inadmissible hearsay to the extent Patent Owner relies on them for the truth of the matters asserted. The exhibit is prejudicial because it presents unattributed argument and analysis in the guise of evidence, while depriving Petitioner of the opportunity to cross-examine the individual who created the annotations.

Reg. No. 48,722
tcunningham@brookskushman.com

Frank A. Angileri
Reg. No. 36,733
fangileri@brookskushman.com

Kyle G. Konz
Reg. No. 68,910
kkonz@brookskushman.com

BROOKS KUSHMAN P.C.
150 W. 2nd St
Suite 400N
Royal Oak, MI 48067
(248) 358-4400

*Attorneys for Petitioner Evenflo Company,
Inc.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(1), I hereby certify that on **April 2, 2026**, a copy of the foregoing **PETITIONER EVENFLO COMPANY, INC.’S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(B)(1)** was served in its entirety via electronic mail to the following counsel:

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

Respectfully submitted,

/ John P. Rondini /

John P. Rondini (64,949)

LEAD COUNSEL

BROOKS KUSHMAN P.C.

150 W. Second St., Suite 400N

Royal Oak, MI 48067-3846

(248) 358-4400

Email: jrondini@brookskushman.com

BACKUP COUNSEL

Thomas W. Cunningham

Reg. No. 48,722

tcunningham@brookskushman.com

Frank A. Angileri

Reg. No. 36,733

fangileri@brookskushman.com

Kyle G. Konz

Reg. No. 68,910

kkonz@brookskushman.com

BROOKS KUSHMAN P.C.

150 W. 2nd St

Suite 400N

Royal Oak, MI 48067

(248) 358-4400

*Attorneys for Petitioner Evenflo Company,
Inc.*