

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, LLC  
Patent Owner.

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

Case No.: IPR2025-01140

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**DECLARATION OF DOUGLAS S. PRAIRIE, P.E.**

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...	[1.3] a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame; .....	253
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**List of Exhibits**

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

EX1019	Certified File History of U.S. Patent No. 11,192,568
EX1020	Certified File History of U.S. Patent No. 11,731,682
EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non- certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. “The History of Children’s and Invalids’ Carriages.” <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716–728
EX1026	U.S. Patent No. 405,600
EX1027	U.S. Patent No. 510,355
EX1028	<i>Intentionally left blank</i>
EX1029	U.S. Patent No. 4,191,397
EX1030	U.S. Patent No. 6,513,827
EX1031	Declaration of Hollie Schultz
EX1032	Declaration of Greg Allen
EX1033	U.S. Patent No. 7,641,216
EX1034	U.S. Patent No. 4,398,748
EX1035	U.S. Patent Pub. No. 2008/0238042
EX1036	<i>Intentionally left blank</i>
EX1037	U.S. Patent No. 6,086,087
EX1038	Kolcraft Contours Options Tandem Stroller Instruction Sheet, EXA to Affidavit of Christopher Butler



EX1039	French Patent 2,615,155 and Non-certified English Translation
EX1040	U.S. Patent No. 6,209,892
EX1041	EP 0980810 and Certified Translation
EX1042	U.S. Design Patent No. D514,036
EX1043	Evenflo Take Me Too Manual – Double Stroller/Double Travel System (Oct. 2004)
EX1044	U.S. Patent No. 6,045,145
EX1045	U.S. Patent No. 5,794,951
EX1046	Comparison of First Non-Provisional Specification and '305 CIP Specification
EX1047	U.S. Patent No. 8,882,134
EX1048	DE 29810646 and Certified Translation
EX1049	<i>Intentionally Left Blank</i>
EX1050	PCT/US2011/062669 / WO 2012075157
EX1051	U.S. Patent No. 8,672,341
EX1052	<i>Intentionally Left Blank</i>
EX1053	<i>Intentionally Left Blank</i>
EX1054	WO 2008/040797
EX1055	Baby Jogger, LLC's Opening Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
EX1056	Baby Jogger, LLC's Responsive Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB
EX1057	EXC to Baby Jogger, LLC's Infringement Contentions in Civil Action No. 1:24-cv-11582-ADB

EX1058	Merriam-Webster, Parallel, <a href="https://www.merriam-webster.com/dictionary/parallel">https://www.merriam-webster.com/dictionary/parallel</a> (last visited Feb. 21, 2025)
EX1059	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (6th ed. 2003), Definition of “parallel”
EX1060	<i>Barron’s Dictionary of Mathematics Terms</i> (3d ed. 2009), Definition of “parallel”
EX1061	Baby Jogger, LLC’s Second Amended Complaint in Civil Action No. 1:24-cv-00723-GBW

I, Douglas S. Prairie, hereby declare as follows:

1. I am making this declaration at the request of Evenflo, Inc. in the matter of *Inter Partes* Review of U.S. Patent No. 11,577,771 (“the ’771 Patent”) to Zehfuss.

2. I am being compensated for my work in this matter at a rate of \$150/hour for my work, but my opinions are based on my own views of the patented technology and the prior art. My compensation is not dependent on the outcome of this proceeding and in no way affects the substance of my statements in this Declaration.

3. In preparation of this declaration, I have studied the exhibits as listed in the Exhibit List shown above in my report.

4. In forming the opinions expressed below, I have considered:

- a. The documents listed above as well as additional patents and documents referenced herein;
- b. The relevant legal standards, including the standard for obviousness provided in *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007), and any additional documents cited in the body of this declaration; and
- c. My knowledge and experience based upon my work and study in this area as described below.

## **I. Qualifications and Professional Experience**

5. I am currently a lecturer at South Dakota State University and a registered Professional Engineer in the State of Idaho. I hold an M.S. in Mechanical Engineering from Boise State University, which I received in 2004. I also hold a B.S. in Agricultural Engineering (with a focus on power and machinery) from South Dakota State University, which I received in 1997.

6. I have worked in the engineering industry for over twenty-five years in various roles, including as a test engineer, product developer, engineering department manager, sales manager, mechanical research manager for an innovation group, mechanical and industrial design engineer, and consultant. My professional work experience has included the design, development, and testing of strollers like those being referenced in this case. I am also the proud father of triplets, so I am well versed in child mobility gear. In my present position as a lecturer at South Dakota State University, I lecture and lead the development of engineering and technical-based coursework. Courses I am responsible for involve the design, operation and ownership of various types of mechanical equipment.

7. From May 1996 until September 1996 (while I was completing my B.S.), I worked for Ag-Chem Equipment Co., where I performed product testing on various mechanical systems. (I understand that after my work there, Ag-Chem Equipment Co. was acquired by AGCO Corporation in 2001.)

8. From October 1996 until July 2000, I worked for Case Corporation, a large manufacturer of construction and agricultural equipment, as a New Product Development Engineer. In that role, I was involved in the conception, design, development, and production of mechanical equipment.

9. From December 2000 until February 2003 and again from September 2005 until December 2007, I worked for Multiquip, a manufacturer and supplier of products for construction, industrial, telecom, government, and other industries, as an Engineering Department Manager. In that role, I managed a team of 15 engineers, designers, drafters, and technicians in support of over 200 different products. I also managed a \$1.3 million budget for product development and engineering product support. My responsibilities also included designing equipment to comply with applicable safety and homologation standards.

10. From February 2003 until September 2005, I worked for Bratney Companies as a Construction/Mechanical Project Engineer of Industrial Processes. My role involved the development and management of construction projects.

11. From December of 2007 to March of 2010, I performed full time contract engineering work through my own company, Prairie West LLC, which was based in Boise, ID. One of the long-term contracts I performed during that period was for BOB Gear (a high-end jogging stroller manufacturer and marketer) as a designer, developer, and test engineer on projects involving single and double

jogging strollers. My engineering education and extensive experience involving product design, development, testing, and safety standard compliance for mechanical products made me well-suited for the role. Also, as a parent of triplets who were toddlers at this point in my life, I was able to provide BOB Gear with not only engineering expertise but also direct applied knowledge of strollers from a parent's perspective. I worked on a variety of projects for BOB Gear, including an updated design of their single and double jogging strollers. My early work at BOB Gear involved taking a new stroller design concept produced by an external industrial designer and analyzing the concept's ability to meet functional goals, manufacturability cost goals, and be compliant with child safety guidelines and homologation standards. This effort required extensive knowledge of the stroller market landscape, manufacturing methods and materials utilized within the stroller industry, and global child safety standards for strollers and child seats. This project produced some innovative concepts that I worked on integrating into some of BOB Gear's existing line of strollers. Some of this work included updating stroller suspension systems, improving stroller folding systems, and designing a new removable adapter system that could be used for cup holder trays and infant car seat adapters. My work at BOB Gear involved developing concepts in SolidWorks CAD software, producing physical prototypes, and then testing these concepts with a variety of popular infant car seat brands attached to the stroller. Tests I performed

were to check for general performance, ease of installation and removal of the adapters and car seats, compliance with domestic and international child safety standards, and ease of adapting to a variety of popular infant car seat brands. One test I performed multiple times involved placing the stroller on a flat surface that could be pivoted to increase the pitch and yaw angle until such point the stroller would start to tip over. The purpose of this test was to check for the center of gravity (CG) location and make sure the stroller would comply with global safety standards. I performed tests on the base stroller along with various brands of car seats and various types of stroller accessories. This test often involved placing a sandbag style weight in the infant car seat or stroller seat to simulate the weight of a child. These tests produced valuable results that allowed BOB Gear's engineering team to better understand how their design choices affected the stability of the stroller and its attachments. BOB Gear still produces the strollers that I helped design. I understand that BOB Gear is now owned by Britax Child Safety, Inc.

12. From March 2010 until March 2015, I worked for Raven Industries (now part of CNHi), first as a Project Manager and then as the North American Sales Manager. In those roles, I oversaw development and launch of multiple mechanical products.

13. From June 2015 until June 2016, I worked for POET Research as a

Mechanical Research Manager in the research and innovation group. POET Research develops and produces clean and renewable biofuels.

14. From August 2016 until the present, I have taught as a Lecturer at South Dakota State University in the Agriculture and Biosystems Engineering Department. I have taught and led the development of courses for undergraduate students that go on to receive Bachelor of Science degrees in Mechanical Engineering (ME), Agriculture Systems Technology (AST), Precision Agriculture (PRAG), and Agriculture and Biosystems Engineering (ABE). Examples of specific courses I lead and/or instruct include ABE 234 Digital Tools for Agriculture Engineers, ABE 314 Agriculture Power and Machinery; ABE 411/422 Capstone Design; ABE 350 Hydraulic Systems; ABE 464 Monitoring and Controls; AST 412 Fluid Power Technology; PRAG 304 Electrical Diagnostics of Farm Machinery; and AST 313 Farm Machinery Management.

15. I am a named inventor on multiple U.S. patents and applications, including: U.S. Patent Nos. 5,915,312, 6,047,652, 6,116,172, 6,386,127, 6,640,732, 6,644,223, 6,454,019, and U.S. Patent Application No. 13/842,326.

16. I am a member of multiple professional organizations, including the American Society of Mechanical Engineers (ASME) and American Society of Agricultural and Biological Engineers (ASABE).

17. A copy of my curriculum vitae is attached as Appendix A, which



contains further details regarding my experience, education, and other qualifications to render an expert opinion in connection with this proceeding.

## **II. Relevant Legal Standards**

18. I have been asked to provide opinions on certain claims of the '771 Patent (EX1011) in light of the prior art.

### **A. Anticipation**

19. Counsel has advised me that for a patent claim to be valid, the claimed invention must be novel. Counsel has further advised me that if each and every element of a claim is disclosed in a single prior art reference, then the claimed invention is anticipated, and the invention is not patentable. For the invention to be anticipated, all of the elements and limitations of the claim must be shown in a single prior art reference, arranged as in the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. For a reference to inherently disclose a limitation, that claim limitation must necessarily be present in the reference.

### **B. Obviousness**

20. Counsel has also advised me that a claimed invention is unpatentable if the differences between the invention and the prior art are such that the subject matter as a whole would have been obvious at the time the alleged invention was

made to a person having ordinary skill in the art to which the subject matter pertains. I also understand that an obviousness analysis takes into factual inquiries including the level of ordinary skill in the art, the scope and content of the prior art, and the differences between the prior art and the claimed subject matter.

21. It is my understanding that the Supreme Court has recognized several rationales for combining references or modifying a reference to show obviousness of the claimed subject matter. Some of these rationales include the following: combining prior art elements according to known methods to yield predictable results; simple substitution of one known element for another to obtain predictable results; a predictable use of prior art elements according to their established functions; applying a known technique to a known device to yield predictable results; choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; and some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

22. I am informed that obviousness should not be determined using hindsight; rather, the inquiry must be from the perspective of a person of ordinary skill in the art at the time that the invention was made. I am informed that there is no requirement that the prior art contain an express suggestion to combine known

elements to achieve the claimed invention; a suggestion to combine known elements to achieve the claimed invention may come from the prior art as a whole or individually, and will be viewed in light of the knowledge of one skilled in the art. The inferences and creative steps a person of ordinary skill in the art would typically employ are also relevant to the determination of obviousness.

23. When a work is available in one field, design alternatives and other market forces can prompt variations of it, either in the same field or in another. If a person of ordinary skill in the art can implement a predictable variation and would see the benefit of doing so, that variation is likely to be obvious. When there is design need or market pressure and there are a finite number of predictable solutions, a person of ordinary skill in the art has good reason to pursue those known options.

24. It is my understanding that there is no rigid rule that a reference or combination of references must contain a “teaching, suggestion, or motivation” to combine references. But, I understand that a “teaching, suggestion, or motivation” can be a useful guide in establishing a rationale for combining elements of the prior art.

### **C. Priority**

25. In order to determine whether a reference qualifies as prior art for a given patent claim, one must determine the applicable priority date for that patent

claim. I understand that in many cases the priority date is the actual filing date of the patent application or patent at issue. In certain cases, however, patent claims may be entitled to “priority” based on one or more earlier applications referenced on the face of the patent.

26. In order for a claim of a patent to be entitled to claim priority to an earlier filed application, I understand that the earlier filed application needs to have sufficient “written description” to support that claim.

27. When determining whether a specification contains adequate written description of the claimed invention, I understand that one must make an objective inquiry into the four corners of the specification from the perspective of a person having ordinary skill in the art (“POSITA”).

28. Further, I understand that the standard for written description is stricter than the standard for determining whether or not a patent claim would have been obvious based on the prior art.

29. In particular, the question for purposes of written description is not merely whether the claimed invention is an obvious variant of what the specification discloses. Instead, the application itself must describe the invention, and do so in sufficient detail that one skilled in the art can clearly conclude that the inventor invented the claimed invention as of the date when the specification was filed.

30. Similarly, I understand that the issue of written description is separate from the question of “enablement” (*i.e.*, whether a specification allows a person of ordinary skill to practice the claimed invention without undue experimentation). A specification may adequately enable a claimed invention yet fail to provide written description support.

31. Finally, I understand that the standard for whether or not a disclosure is sufficient to support a claim is different than the standard for whether a disclosure anticipates a claim. To support a claim, the description must be sufficient to convey to a POSITA that the inventors were in possession of the full scope of the claimed subject matter.

32. By contrast, a description anticipates a claim if it discloses even a single species within the scope of the claim. Thus, in the case of “genus” claims covering two or more different species, I understand that there can be situations in which a given disclosure is sufficient to anticipate the claim even though that same disclosure is not adequate to support the claim and entitle the inventors to an earlier priority date.

33. I understand that in order to claim priority to an application through a chain of applications, every single application in the chain (going back to the particular application on which the inventors want to rely) needs to support the claim as a matter of written description.

34. In other words, each application in the chain must allow a person of ordinary skill to discern that the inventors were in possession of the claimed invention at the time of the application.

### **III. Qualifications of A Person Having Ordinary Skill in the Art**

35. I understand that a patent should be analyzed from the perspective of a POSITA at the time of the alleged invention. I have been informed that the factors considered in determining the level of ordinary skill of a POSITA include: (1) the educational level of the inventor; (2) the type of problems encountered in the art; (3) prior art solutions to those problems; (4) the rapidity with which innovations are made; (5) the sophistication of the technology; and (6) the educational level of active workers in the field. I understand that these factors are not exhaustive but are merely a guide to determining the level of ordinary skill in the art.

36. It is my opinion that a person of ordinary skill in the art would have had a bachelor's degree in a relevant field (e.g., mechanical engineering or industrial design), and at least two years of product design experience and/or industry experience with juvenile products. More education can replace product design experience, and vice versa. It is my opinion that this level of ordinary skill in the art would apply regardless of whether the date of alleged invention is around 2008 (the earliest claimed priority date) or later.

37. I meet or exceed these requirements for a POSITA. I have worked

with many POSITAs and can evaluate documents from their perspective.

#### **IV. State of the Art**

##### **A. Overview of Strollers**

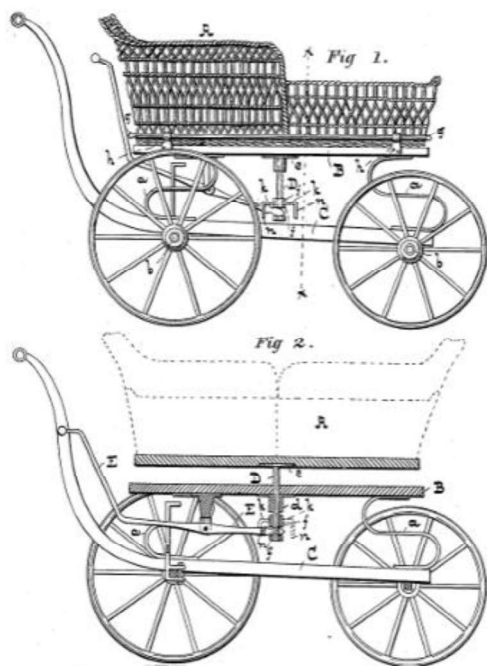
38. A stroller is a rolling device used to transport children. Strollers (also known as perambulators, pram, push chairs, or bassinets) have existed for several centuries. (EX1025, Sewell, 716-728.) Samuel J. Sewell's article from the 1920s described some well-known aspects of stroller designs.

1. **Wheels** – including how the wheels could be detachable to allow the stroller to be folded. (EX1025, Sewell, 724.)
2. **Springs** – allowing for a smoother stroller ride. (EX1025, Sewell, 724-725.)
3. **Variable Bodies** – allowing for “folding, converting, adjusting and reversing” the body frame. (EX1025, Sewell, 725.) This allowed adjustability so the stroller allowed for one child to lie down while another child could sit (EX1025, Sewell, 725-726.)

39. Early designs for strollers put an emphasis on stopping the stroller from tipping over, preventing the child from falling out, or having the stroller roll away. (EX1025, Sewell, 724.)

40. Strollers include one or more seats to accommodate one or more children. The seat or seats may be fixed or movable. Strollers with a reversible seat have been around more than a century. In the 1880s, William Richardson designed

a reversible baby stroller that permitted the user to decide whether the child faced the user, or faced in the direction the stroller was pushed. (EX1026, U.S. Patent No. 405,600 (“Richardson”).) U.S. Patent No. 405,600 also discloses how the stroller seat can be reversible in direction via rotation around a “king bolt.”



“In the invention described in the said application the body of the carriage, when elevated, may be rotated or turned entirely around on its axial king-bolt ....”

(EX1026, Richardson, 1:15-18 and Figs. 1, 2.)

## **B. Basics of Stroller Structure**

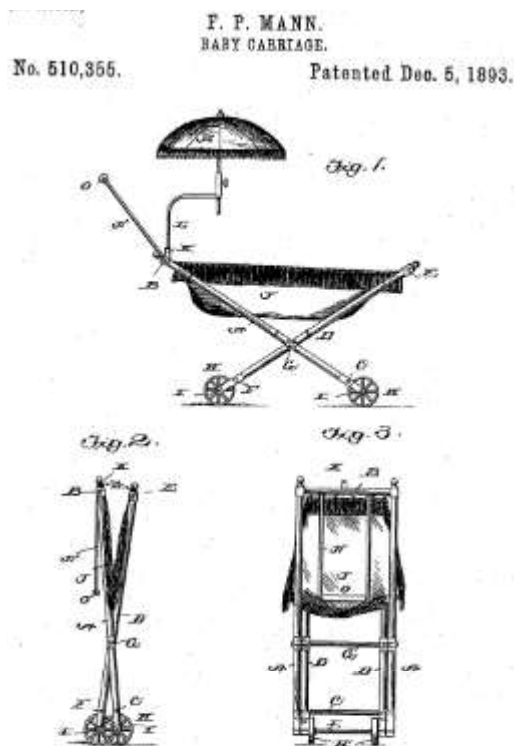
### **1. Basics of Stroller Structure**

41. A stroller frame is the backbone of the stroller and supports the seat(s) and other components. Stroller frames are typically formed of metal or plastic. The frame will generally include a handlebar or push bar for pushing and steering the stroller and three or more wheels. The handlebar is typically connected to, or integral with, a pair of longitudinal side members. One or more crossbars may connect between the longitudinal sides. The front wheel(s) may be directly or



indirectly connected to the longitudinal side members. The rear wheels are usually connected to the longitudinal sides by one or more intermediary components.

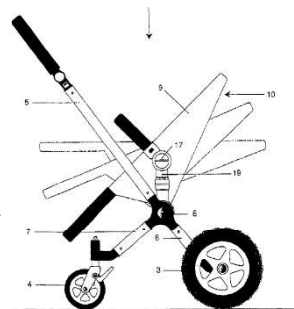
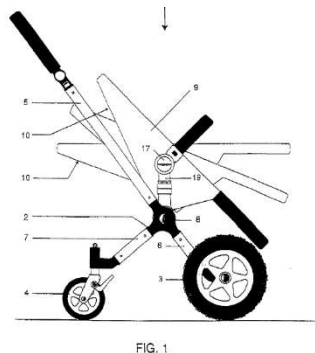
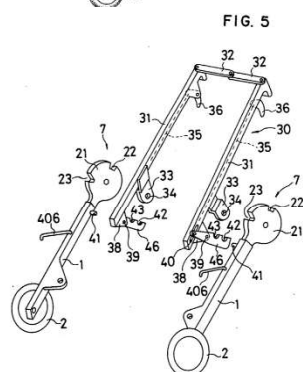
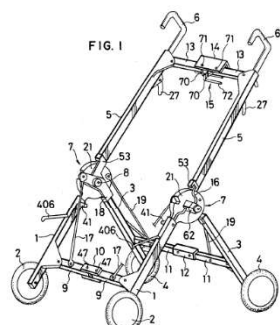
42. The X-frame was an early design from the late 1890s and included two main crossbars in an “X” configuration. (EX1027, U.S. Patent No. 510,355.) A pivot point was located in the center of the “X” to allow the stroller to be collapsed for “compactness.” (EX1027, U.S. Patent No. 510,355, ll. 22-31.)



**EX1027, U.S. Patent No. 510,355, Figs. 1-3**

43. Another well-known stroller frame design included an upper frame tube and a lower frame tube joined together to form the longitudinal side members. (See *e.g.*, Exs., 1029, 1033, and 1040.) The joint between the upper and lower tube usually allowed movement between the upper and lower tube as explained in

Exhibits 1029, 1033, and 1040.



The hammock supporting frame 30 comprises side links 31 and foldable-in-two back-rest connecting links 32 interposed between the upper ends of said links 31. Secured to relatively lower regions of the side links 31 are support frame pivotal mounts 33 having openings 34 for receiving the previously mentioned pivot pins 8 for the pivotal mounts 8, said hammock support frame 30 being pivotally supported with respect to the front legs 3 similarly to the push rods 5 and rear legs 3.

(EX1029, U.S. Patent No. 4,191,397, 4:26-35 and Figs. 1, 5.)

Figs. 1 to 4 show the buggy 1, which comprises a frame 2 with front wheels 3 and rear wheels 4, a pull and push bar 5, front wheel bars 6 and rear wheel bars 7, which support the front wheels 3 and rear wheels 4 and which are connected to the pull and push bar 5 by means of a coupling device 8.

(EX1030, U.S. Patent No. 6,513,827 to Barenbrug, 2:50-55; Figs. 1, 2.)

44. A 2007 YouTube video for the “UPPAbaby Vista” stroller also discloses a foldable frame having a U-shape bottom frame assembly.<sup>1,2</sup>

<sup>1</sup> See EX1031, Declaration of Hollie Schultz (“Hollie Schultz Dec.”), ¶¶14-17.



**EX1031, Holly Schultz Dec., EX2 at 21secs.; 1 min. 18 secs.**



**EX1032, Declaration of Greg Allen, EX3<sup>3</sup> 4**

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<sup>2</sup> I understand the Ms. Schultz has provided a declaration confirming this video was uploaded and made publicly available without restrictions on YouTube on June 12, 2007.

<sup>3</sup> See EX1032, Declaration of Greg Allen (“Greg Allen Dec.”), ¶¶14-15; EX3—*How Sweet Is The iCandy Apple Stroller?* DaddyTypes Blog, (July 7, 2006) [https://daddytypes.com/2006/07/07/how\\_sweet\\_is\\_the\\_icandy\\_apple\\_stroller.php](https://daddytypes.com/2006/07/07/how_sweet_is_the_icandy_apple_stroller.php)

## 2. Folding Mechanism

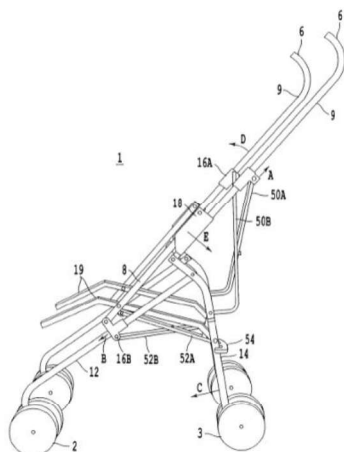
45. The foldability or collapsibility of child strollers is a common and well-known design element allowing strollers to be easily stored (e.g., within a trunk of a vehicle) or transportable when not in use. These developments were widely documented in the patent literature and demonstrated the industry's focus on balancing convenience with structural integrity.

46. By 2008, various folding mechanisms for child strollers existed. These included flat fold, umbrella fold/three-dimensional fold, two-piece fold, compact tri-fold, one-hand fold, one-touch fold, one-step fold, five-second fold, quick fold system, and standing fold. (EX1031, Hollie Schultz Dec., EX10–*The Baby Gizmo Buying Guide*, 284-286.)

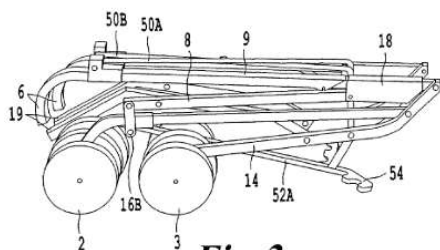
47. Examples of “flat fold” mechanisms are described in U.S. Patent Nos. 7,641,216, 3,390,893, and 4,398,748. As shown below, these patents disclose a stroller that can fold flat (*i.e.*, collapse upon itself) so as not to increase the footprint of the stroller when folded. These strollers use a folding joint between the upper and lower tubes of the longitudinal frame members.

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<sup>4</sup> I understand Greg Allen has provided a declaration confirming these images were uploaded and made publicly available without restrictions on his blog DaddyTypes on July 7, 2006.



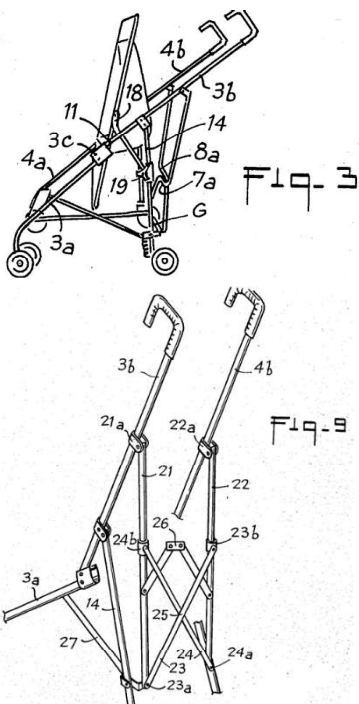
**Fig. 1**



**Fig. 3**

Exemplary aspects of the invention provide a method of folding a stroller including two handle frames, two front legs and two rear legs configured to support the stroller in an upright position, the front legs pivotally attached to respective rear legs, a chair portion, including a back rest, a seat and a leg rest pivotally attached to the seat, two pivot frames pivotally attached to respective handle frames, the back rest and the rear legs, two arm rests, and two sliders pivotally attached to respective pivot frames, the back rest, respective arm rests and the seat and configured to slide along the respective front legs.

(EX1033, U.S. Patent No. 7,641,216, 3:15-24 and Figs. 1, 3.)



**Fig. 9**

[C]hild's stroller constituted by a frame 1 and a body 2 pivoted on the frame. The frame 1 comprises in known manner two lateral carrier elements 3 and 4, substantially parallel to each other, defining in unfolded position an inclined frontal plane. Each of these carrier elements 3 and 4 is composed of two parts 3a, 3b; 4a, 4b, articulated on one another (at 3c for the carrier element 3) so as to be foldable on themselves about this articulation.

(EX1034, U.S. Patent No. 4,398,748, 3:27-35 and Figs. 3, 9.)

48. These folding designs continue to be used in modern commercial products. For instance, foldable strollers available in 2007-2008 included the UPPAbaby Vista stroller, the Joovy Caboose stroller, the Mutsy 4Rider stroller, the Valco Baby TriMode stroller, the Dreamer Design Park Avenue stroller, the Graco Quattro Tour Duo stroller, and the Peg Perego Skate stroller—all featured in videos showing folding and unfolding on the Baby Gizmo YouTube channel.<sup>5</sup>



**EX1031, Hollie Schultz Dec., EX2 at 2 mins. 10 secs.; 2 mins. 19 secs.**

49. The folding mechanisms include an associated actuator, such as a button or pull strap, that is operably coupled thereto and releases the locks of the

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<sup>5</sup> See *e.g.*, EX1031, Hollie Schultz Dec., EX2—BabyGizmoCompany, *Baby Gizmo Uppa Baby Vista*, *YouTube*, <https://www.youtube.com/watch?v=9IrmQs8kL5I> (June 12, 2007); see also EX1031, Hollie Schultz Dec., ¶¶14, 18 (It is my understanding that paragraph 18 mistakenly identifies the Uppa Baby Vista stroller as the Baby Planet Unity Sport Double stroller).



folding mechanism, allowing the stroller to be folded. An example of this is disclosed in U.S. Patent Publication No. 2008/0238042 (EX1035.)

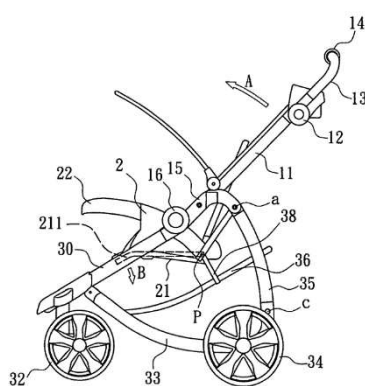


Fig.5A

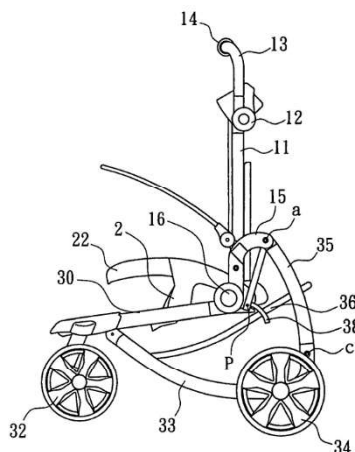


Fig.5B

The stroller shown in Fig. 5A is in a fully expanded state and when the stroller needs to be collapsed, the user first operate **the collapsing operation device 14** disposed on the handle 13 to actuate the locking member (a first locking device) disposed on the upper frame tube 11 or the connecting member 15 to cause the upper frame tubes 11 unlocked from the front legs 30 and thus the upper frame tubes 11 and the handle 13 is able to pivot forwardly about the connecting seat 16 toward the front legs 30 (as indicated by arrow A), and the front legs 30 in turn pivot downwardly toward the base frame tubes 33 (as indicated by arrow B) and into a state in which they are substantially parallel to the supporting tubes 211 of the seat portion 21 of the seat unit 2 (i.e., the biasing spring 50 is not twisted), as shown in Fig. 5B.

(EX1035, U.S. Patent Publication No. 2008/0238042, ¶0034 (emphasis added) and Figs. 5A, 5B.<sup>6</sup>)

### 3. Stroller Wheels

50. It is also well known that strollers may include any combination of front and rear wheels. The number of wheels and location are not design critical

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<sup>6</sup> All emphasis is added unless stated otherwise.

and are typically chosen to comply with other more critical aspects of the design.

**The number of wheels is irrelevant;** you're looking for a good turning radius, easy maneuverability, and quality wheels.

(EX1031, Hollie Schultz Dec., EX10—*The Baby Gizmo Buying Guide*, 291.)

51. Most strollers include two wheels (or wheel pairs) in the rear, whereas the front varies with common configurations being one, two, or three wheels (or wheel pairs). For instance, jogging strollers commonly have a single, large front wheel. (EX1031, Hollie Schultz Dec., EX10—*The Baby Gizmo Buying Guide*, 324-325.) In contrast lightweight/umbrella strollers come in both three-, four-, or other multi-wheel variants. (Exs. 1040 (three wheels), 1029 (four wheels), 1033 (eight wheels).) Designers have long understood the pros and cons of different wheel sizes, placements, and configurations; therefore, choosing among them is a routine exercise for stroller designers.

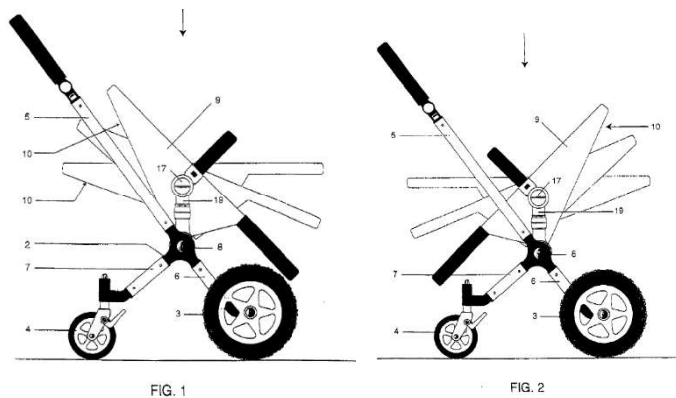
#### **4. Rotatable and Detachable Seats**

52. Another known design aspect of strollers—both single and doubles—is the ability to have one or both seats be detachable/reversible thereby providing various functionality for the stroller.

53. As I previously discussed, U.S. Patent No. 405,600 describes a stroller having a rotating carriage that allowed the child to face forward or backward. (EX1026, Richardson, 11:54-58.)



54. U.S. Patent No. 6,513,827 (“’827 Patent”) (EX1030, Barenbrug) is a more modern example of a stroller having a reversible seat. Unlike earlier designs, the seat of the ’827 Patent is completely detachable from the frame to allow for reversal.



**EX1030, Barenbrug, Figs. 1-2**

55. The design disclosed in the ’827 Patent proved to be a commercial success and has been widely copied. The assignee of the ’827 Patent, Royalty Bugaboo Sarl, is a well-known stroller manufacturer that came to market in the United States in the early 2000s as the commercial “Bugaboo” stroller line.

56. The success of the Bugaboo design (which was commensurate with the embodiments disclosed in the ’827 Patent) resulted in other stroller manufacturers launching similar designed strollers. (See *e.g.*, EX1032, Greg Allen

Dec., EX1<sup>7</sup>.)

57. Other strollers having detachable seats became available in 2007-2008. For example, the UPPAbaby Vista stroller, the Mutsy 4Rider stroller, and the Dreamer Design Park Avenue stroller all featured detachable and rotatable seats. The Baby Gizmo YouTube channel includes many videos showing how the seats of these strollers could detach, rotate, and reattach. (See EX1031, Hollie Schultz Dec., ¶¶14, 24, 41 and EXS 2, 4, 7.)

58. Double strollers may also have reversible and detachable seats. For example, U.S. Patent No. 6,086,087 to Yang (EX1037) shows a double tandem stroller with a front seat facing forward, facing backward, and a removable back seat.

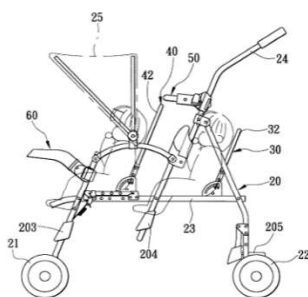


FIG. 12

Fig. 12 illustrates the preferred embodiment in a first state of use. As shown, the detachable seat member 40 is mounted on the stroller frame 20 such that the child to be seated thereon can face forwardly.

(EX1037, Yang, 6:51-54, Fig. 12.)

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<sup>7</sup> EX1032, Greg Allen Dec., ¶7; EX1—*In The Beginning was the Bugaboo*, DaddyTypes Blog, (Sept. 13, 2004) [https://daddytypes.com/2004/09/13/in\\_the\\_beginning\\_was\\_the\\_bugaboo.php](https://daddytypes.com/2004/09/13/in_the_beginning_was_the_bugaboo.php).

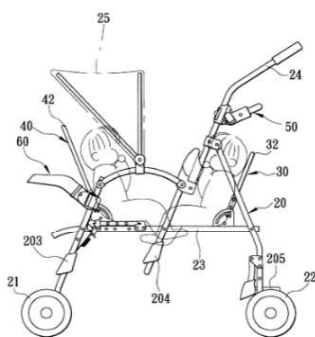


FIG. 13

Fig. 13 illustrates the preferred embodiment in a second state of use. As shown, the detachable seat member 40 is mounted on the stroller frame 20 such that the child to be disposed thereon can sit in a face-to-face relationship with another child seated on the non-detachable seat member 30.

(EX1037, Yang, 6:55-59, Fig. 13.)

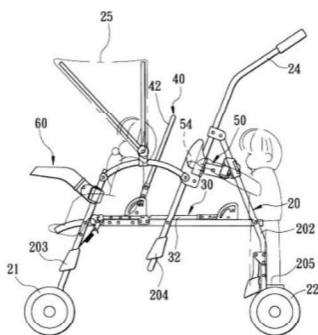


FIG. 14

Fig. 14 illustrates the preferred embodiment in a third state of use. As shown, the detachable seat member 40 is mounted on the stroller frame 20 such that the child to be seated thereon can face forwardly.

(EX1037, Yang, 6:60-63, Fig. 14.)

59. Another example may be seen in U.S. Patent No. 5,338,096 to Huang (EX1036), showing the front seat capable of being locked in a forward position or backward position.



FIG. 1



FIG. 5

This invention has been devised to offer a double stroller with a front seat capable to be turned around to face a rear seat so that two babies sitting on the two seats may play with each other.

(U.S. Patent No. 5,338,096, 1:15-18, Figs. 1, 5.)

60. Further, there were commercial products available before late 2008 that had rotatable and detachable seats. For example, the Kolcraft Contours

Options Tandem stroller had reversible seats capable of being oriented so either (A) both seats faced the parent, (B) both seats faced away from the parent, (C) the seats faced each other, (D) the seats were oriented back-to-back, or (E) only one seat was attached. (EX1038, Kolcraft Contours Options Tandem Instruction Sheet, 15<sup>8</sup> (obtained from <https://web.archive.org/web/20081010100559/http://common.csnstores.com/common/marketing/baby/kolcraft/cnt1016instruction.pdf>, Oct. 10, 2008), EXA to Affidavit of Christopher Butler.)



**EX1038, Kolcraft Contours Options Tandem Instructions, Cover Page**

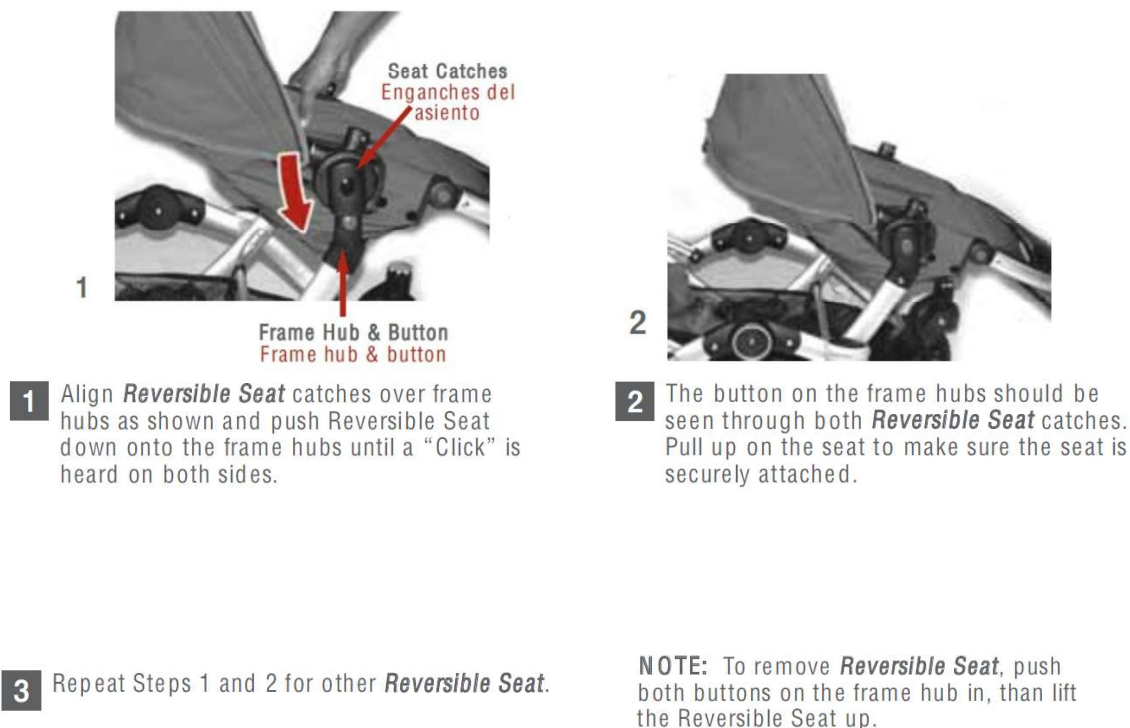


**EX1038, Kolcraft Contours Options Tandem Instructions, 15**

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<sup>8</sup> Referenced page numbers are those found in the middle of each page directly below the instruction images.

61. The Kolcraft Contours Options Tandem instructions also disclosed how to attach the reversible seats to the frame:



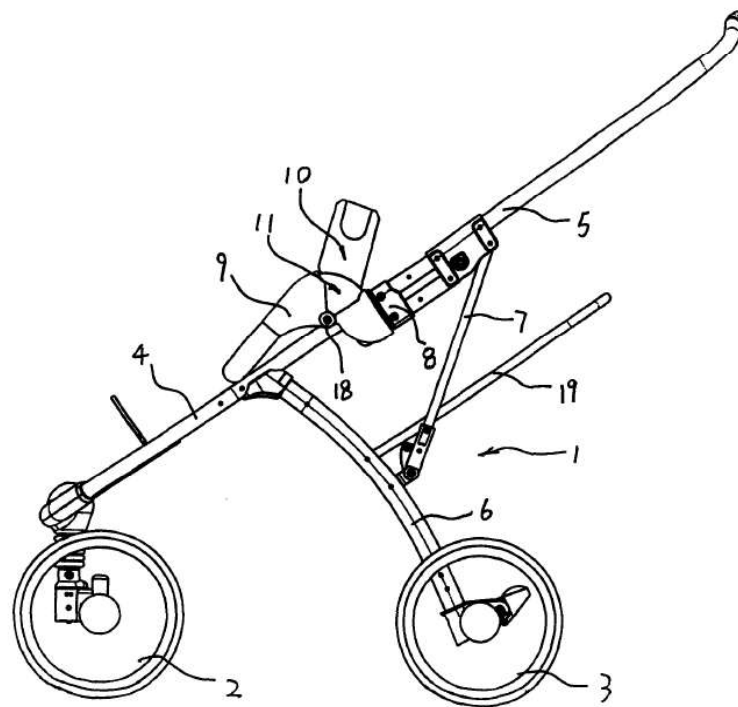
### EX1038, Kolcraft Contours Options Tandem Instructions, 15-16

62. Another design for detachable seats is disclosed in Chinese Patent No. CN2778636Y (“Feng”) (EX1053). Feng was filed in China on December 24, 2004 and published on May 10, 2006. (EX1053, 1, 9.)

63. Counsel has provided me with a certified translation of CN2778636Y into English. (EX1053, Feng, 9-19.) Unless otherwise noted all citations of text are based on the Feng certified translation.

64. Feng discloses a stroller having a stroller frame, front wheels, and rear wheels. (EX1053, Feng, Abstract, 9.) The stroller frame has the typical design of

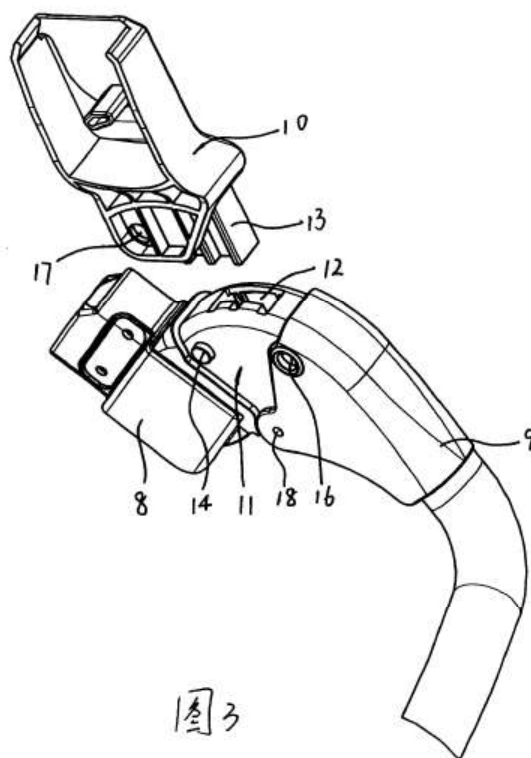
left and right parallel side frame members and a rear wheel bracket 6 coupled to and extending rearwardly from the left and right parallel side frame members. (EX1053, Feng, 13, ll. 18-25, Fig. 1.) Each of the side frame members includes lower and upper frame members 4, 5 coupled by a folding mechanism. (EX1053, Feng, 5, ll. 18-25, Fig. 1.)



**EX1053, Feng, Fig. 1**

65. The stroller has a primary seat (fabric not shown) including a backrest frame 19 for supporting the primary seat. (EX1053, Feng, 13 ll. 11-16, Fig. 1.) An infant car seat 20 is removably coupled to the stroller frame by a seat fixture 10. (EX1053, Feng, 14, ll. 21-23, Fig. 4.) The seat fixture 10 having insertion pieces

13 that are receivable in slots 12 defined in fixing components 11. (EX1053, Feng, 13, ll. 11-15, 14, ll. 17-20.) This allows the seat fixtures to be removed when the infant seat 20 is not being used with the stroller.



EX1053, Feng, Fig. 3

### C. Stroller Types

66. Considering the state of the art of the stroller industry as of late 2008, the stroller market could be subdivided into the following general categories: carriages, single standard strollers, travel systems, lightweight-plus strollers, lightweight/umbrella strollers, luxury stroller systems, all-terrain strollers, jogging strollers, double standard strollers, double lightweight/umbrella strollers, double all-terrain strollers, double jogging strollers, strollers-and-a-half, and multiples

strollers. (EX1031, Hollie Schultz Dec., EX10–*The Baby Gizmo Buying Guide*, 279-281.) I summarize these design types below.

## 1. Single Strollers

67. Single-seat strollers, designed for transporting one child at a time, have been a staple for parents for decades. These strollers offer a compact and convenient solution for caregivers, allowing for easy navigation through crowded spaces and narrow pathways. While families with multiple children often own more than one single-seat stroller, managing multiple strollers simultaneously can be impractical for a single caregiver. As a result, the single-seat stroller remains the go-to option for parents prioritizing individualized attention and mobility for a single child. There were numerous issued patents and commercial products (e.g., Bugaboo and iCandy) that exemplified the common nature of these stroller designs.

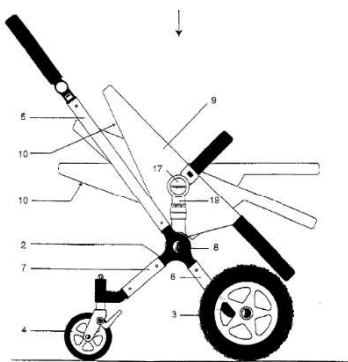


FIG. 1

EX1030, Barenbrug, Fig. 1





**EX1032, Greg Allen Declaration, EX1–Bugaboo Stroller**



**EX1032, Greg Allen Declaration, EX3–iCandy Apple Stroller**

## **2. Double Strollers**

68. Double strollers for transporting more than one child at a time were also well known by 2008. Many parents with multiple children have two or more single strollers, but it is cumbersome for one person to safely push and control multiple strollers simultaneously. To address the need to transport more infants,

multi-child strollers were developed. One of the earliest examples of a double stroller may be seen in U.S. Design Patent No. 162,495 granted in 1951:



**U.S. Design Patent No. 162,495, Fig. 1**

69. Double strollers can generally be split into two main types: side-by-side orientation of the seats and tandem orientation of the seats.

**a. Side-by-Side Double Strollers**

70. The side-by-side configuration places two seats next to each other, which may be ideal for families with twins or children of similar ages. Side-by-side strollers provide both children with an equal view and experience, often making them wider and harder to maneuver in narrow spaces. (EX1031, Hollie Schultz Dec., EX10—*The Baby Gizmo Buying Guide*, 330.)

71. Exemplary side-by-side double strollers include U.S. Design Patent No. D382,516:



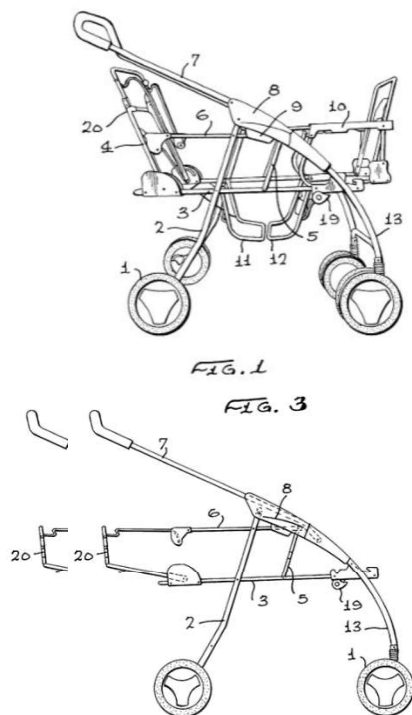
**U.S. Design Patent No. D382,516, Fig. 1**

**b. Tandem Double Strollers**

72. A tandem-configured double stroller positions one child behind the other, significantly reducing the stroller's overall width compared to side-by-side designs. This configuration allows parents to navigate narrow doorways, crowded sidewalks, and other tight spaces more easily, making it a popular choice for urban environments.

73. Tandem strollers often feature seats that can be adjusted independently, providing flexibility in positioning each child for comfort and convenience. Some models also offer options to reconfigure the seats to face each other or the parent, adding versatility.

74. An exemplary tandem double stroller is disclosed in U.S. Patent No 5,911,432 to Song.



This invention is directed to a baby carriage which can be easily switched from two seats to one seat and vice versa without making it difficult to fold the carriage.

(U.S. Patent No 5,911,432, 1:18-20 and Fig. 1.)

Because the front seat is connected to the carriage frame through a locking device and can be removed from the carriage frame by unlocking the locking device, this two seat carriage can be easily converted into a one seat carriage. The additional space created when the two seat carriage is converted into a one seat carriage allows the remaining seat to be adjusted to permit the child to lie flat in the seat.

(U.S. Patent No 5,911,432, 1:49-56 and Fig. 3.)

75. Tandem strollers can be sub-divided further into a sub-category called “stadium seating” tandem strollers. In contrast with Song, which shows each of the two seats at the same horizontal level, stadium seating places the children at different heights from the ground, allowing both children to have unobstructed views.

### Tandem Seating

The most popular seating arrangement in double strollers is the tandem, where one seat sits in front of the other. Many tandems go one step further and offer stadium seating, giving the little guy in back a view from the top. Tandem strollers are usually very stable, but can be a nightmare to maneuver. To make things easier, you should load the heaviest weight in the back seat, over the



back wheels. While many manufacturers recommend placing an infant car seat carrier in the rear seat for safety (presumably so you can be closer to your baby), if you have a heavier toddler, this arrangement can be almost impossible to push. Many tandems only offer a full recline on the back seat, which is a total pain, because everyone wants to kick back sometimes. We look for tandems that allow both seats to recline. Many newer tandem strollers allow you to reverse the direction each seat faces independently, so your children can see where they're going, look at you, or even face each other.

### EX1031, Hollie Schultz Dec., EX10 *The Baby Gizmo Buying Guide*, 329-330

76. Tandem stadium-style double strollers may have the seats directly attached to the main frame of the stroller. For example, French Patent 2,615,155 to Boidin that issued in 1987. (EX1039.)

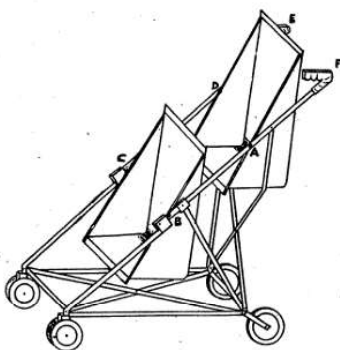


FIGURE 2

This stroller has two seats located on the same chassis at different heights.

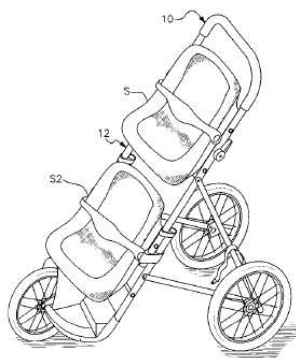
(EX1039, FR 2,615,155, ¶0003 and Fig. 2.<sup>9</sup>)

77. Another example of a tandem stadium-style double stroller is U.S.

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<sup>9</sup> EX1039 is a non-certified translation of French Patent 2,615,155 to Boidin.

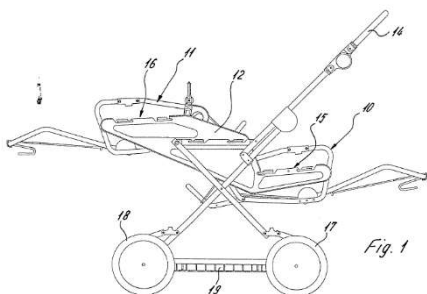
Patent No. 6,209,892 to Schaaf that issued in 2001 (EX1040.)



It is a further object of this invention to provide a baby stroller for twins and other multiple numbers of children that supports the babies vertically with respect to one another such that the stroller is conveniently maneuverable and the babies' observation positions can be readily adjusted when desired.

(EX1040, Schaaf, 2:27-32, Fig. 10.)

78. Some tandem double strollers include a subframe structure attached to the stroller frame to which two seats may be attached in a stadium-style orientation. An example may be seen in EP 0980810 to Gotting and assigned to stroller manufacturer Britax, which issued in 1998. (EX1041.)



In a preferred embodiment, the seats are attached to two adapters on the sides of the frame. These adapters are designed such that they can be mounted in two positions, to obtain the above possibilities for overlapping the seats.

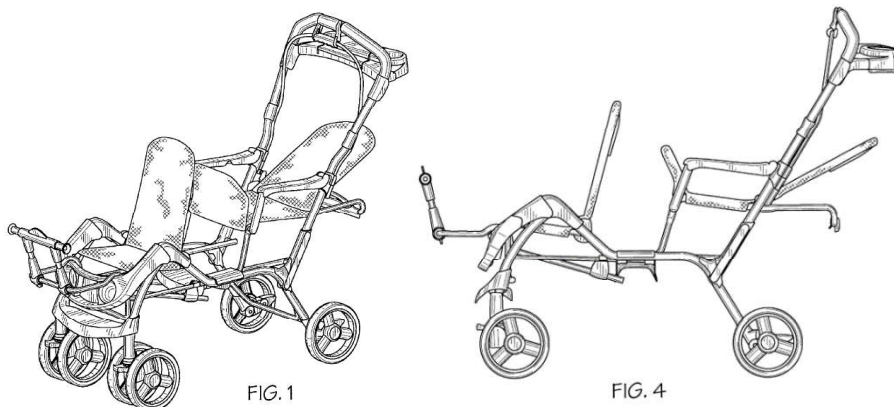
(EX1041, EP 0980810, ¶0007 and Fig. 1.)

79. Another example is the commercial “Bebe Confort” which was introduced in 2004.



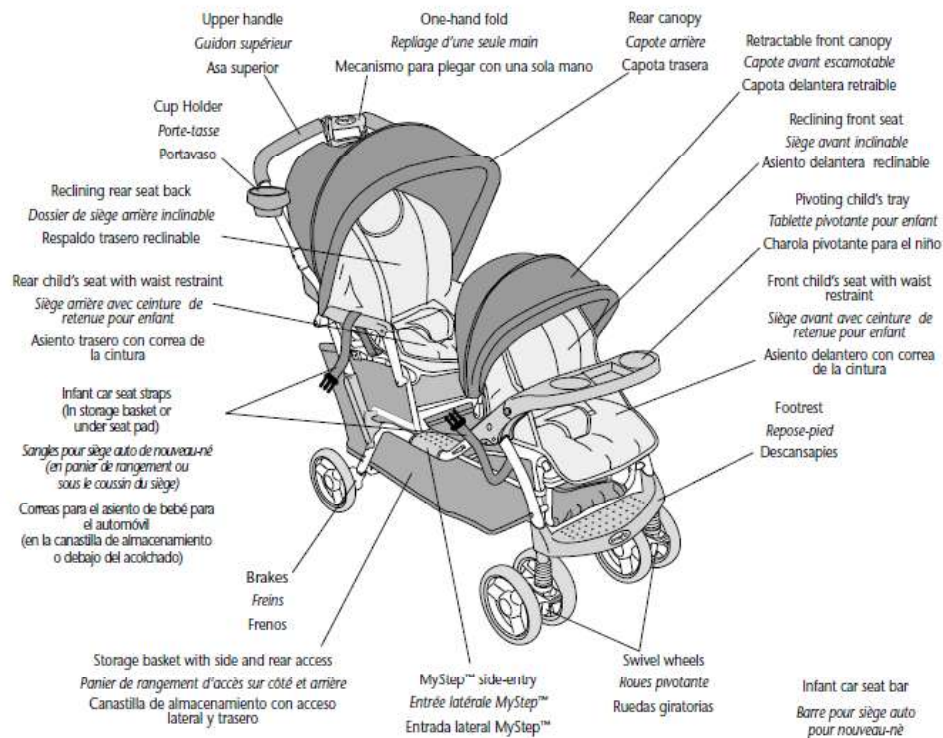
**EX1032, Greg Allen Dec., EX2–Bebe Confort Twin Stroller**

80. Another example of a tandem double stroller is disclosed in U.S. Design Patent 514,036, which was granted in 2006 and is assigned to Evenflo Co. Inc. (EX1042.) As seen in the Figures of U.S. Design Patent 514,036, the front seat is oriented at a lower vertical position than the back seat. A 2004 stroller by Evenflo called the “Take Me Too” illustrates a commercial version of a tandem double stroller.



**EX1042, U.S. Patent Design 514,036, Figs. 1 and 4**





### EX1043, Take Me Too Manual, 1

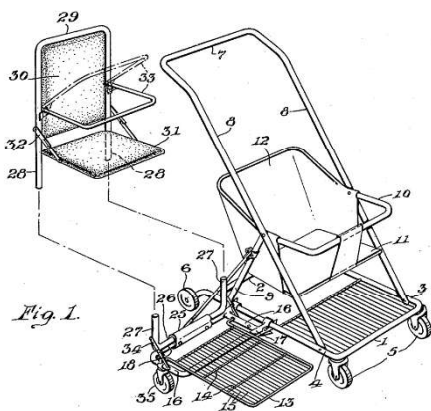
81. Each of these strollers demonstrate how stadium-style seating can be achieved through variations in frame structure and seat attachment mechanisms and that these designs were well known by at least 2008. These designs illustrate different approaches to elevating one seat relative to the other to provide improved visibility and accessibility for the child seated in the rear position and underscore the evolution of double tandem stadium strollers before 2008. This plethora of example stadium style seating prior to 2008 underscores that mixing and matching various features of these disclosed designs was merely routine design work to a POSITA by 2008.



### **3. Single-to-double or Double-to-triple Strollers**

82. By 2008, designs for strollers capable of converting from a single stroller to a double stroller upon the birth of a second child were well established in the art. These convertible stroller designs provided a practical solution for growing families, offering flexibility and cost savings by eliminating the need to purchase a separate double stroller. Typically, such strollers featured modular systems that allowed for the addition of a second seat or a ride-along platform, enabling parents to adapt the stroller to their changing needs. Designs for single-to-double strollers included attachments intended to convert any single stroller into a double stroller, while other strollers were specifically designed to expand from a single to a double.

83. Single-to-double strollers that attached a second auxiliary seat were well known in the art to create a tandem stroller. For example, U.S. Patent No. 3,000,645 to Schmidt disclosed a removably attachable second seat attachable to the side of the stroller, creating a side-by-side orientation of the children.



A further object, therefore, is to provide the combination of any well known form of baby carriage with a readily attachable and detachable auxiliary vehicle, which preferably is supported at its outer free edge portion by a single wheel, and otherwise essentially comprises a platform capable of satisfactorily supporting one or more children other than the occupant of the baby carriage, and upon which may be readily mounted a preferably detachable seat[] ... .

(U.S. Patent No. 3,000,645, 1:20-28 and Fig 1.)

84. Other single-to-double strollers attached a second seat in front of the first seat to create a tandem stroller. For example, U.S. Patent No. 6,045,145 to Lan discloses a stroller and an auxiliary seat unit mountable to the stroller. (EX1044.)

Referring to Figs. 1 and 3, the auxiliary seat unit 3 is to be mounted on a front side of the main frame 1, and generally includes an auxiliary frame 31, a seat portion 34, and a support frame member 37.

(EX1044, U.S. Patent No. 6,045,145, 2:22-25 and Fig 1.)

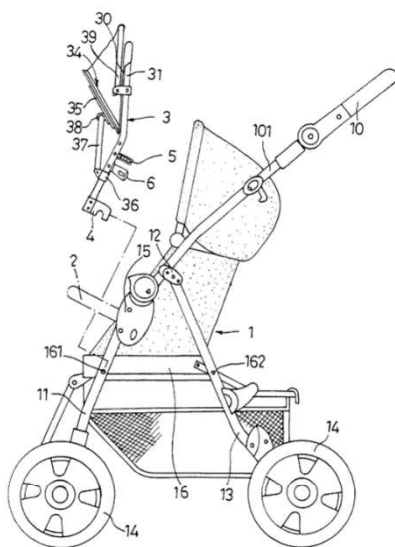


FIG. 1

Referring to Fig. 4, the locking unit 5 includes a pair of hollow locking seats 151 formed on inner sides of the connecting seats 15, and a pair of first insert members 51 mounted pivotally and held frictionally on the mounting posts 312 of the auxiliary frame 31 by means of a pair of pivot pins 52. Each of the locking seats 151 is formed with an insert hole 153 which opens forwardly, and has a side wall formed with a locking opening 155 communicated with the insert hole 153. Each of the first insert members 51 is insertable into the insert hole 153 of a respective one of the locking seats 151, and is formed with a resilient locking protrusion 511 which extends

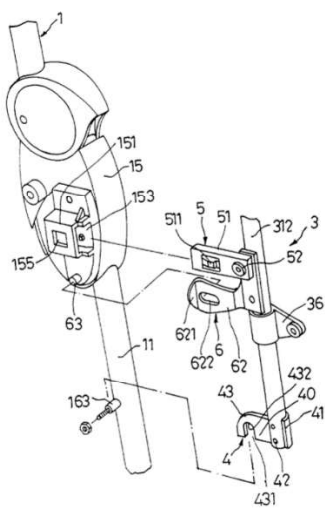


FIG. 4

through and which engages the locking opening 155 when the first insert member 51 is inserted into the respective locking seat 151, thereby preventing undesired removal of first insert members 51 from the locking seats 151. The auxiliary seat unit 3 can thus be mounted on the front side of the main frame 1. The locking protrusions 511 are depressible for retraction into the locking seats 151 to permit release of the first insert members 51 from the locking seats 151.

(EX1044, U.S. Patent No. 6,045,145, 3:13-32 and Fig 4.)

85. A commercial stroller design by iCandy included a conversion kit or subframe that allowed a single-seat stroller to be converted for use as a double-seat stroller. This subframe assembly would use the existing connection mechanism that existed when the stroller was used solely as a single-seat stroller. As shown below right, the subframe would then connect to the stroller frame allowing for either one or two seats to then be connected (shown below middle).



EX2025, Greg Allen Dec., EXS 3 and 5

#### **4. Travel Systems**

86. Travel stroller systems allow a compatible infant car seat to be securely attached to the stroller frame. These systems allow parents to use the stroller frame with an infant car seat during the early months and transition to a standard stroller seat as the child grows. This design is often marketed as providing convenience for caregivers because it proports to enable seamless transitions between a vehicle and the stroller without disturbing the child. In practice, some of these systems are easier to use than others.

87. The basic travel stroller system offered was a standard single or double stroller with one or two seats for children and the ability to either directly or indirectly attach and secure an infant car seat to the stroller frame. Strollers that allowed for direct attachment of an infant car seat are disclosed in U.S. Design Patent No. 429,476 assigned to Graco Children's Products, Inc. (See also U.S. Design Patent No. 430,076.) Design Patent No. 429,476 is shown below:

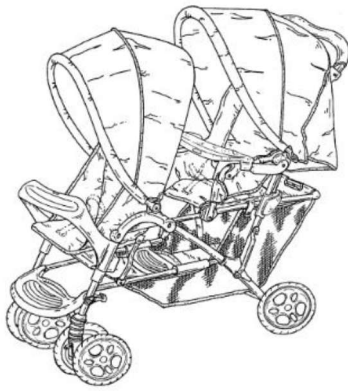


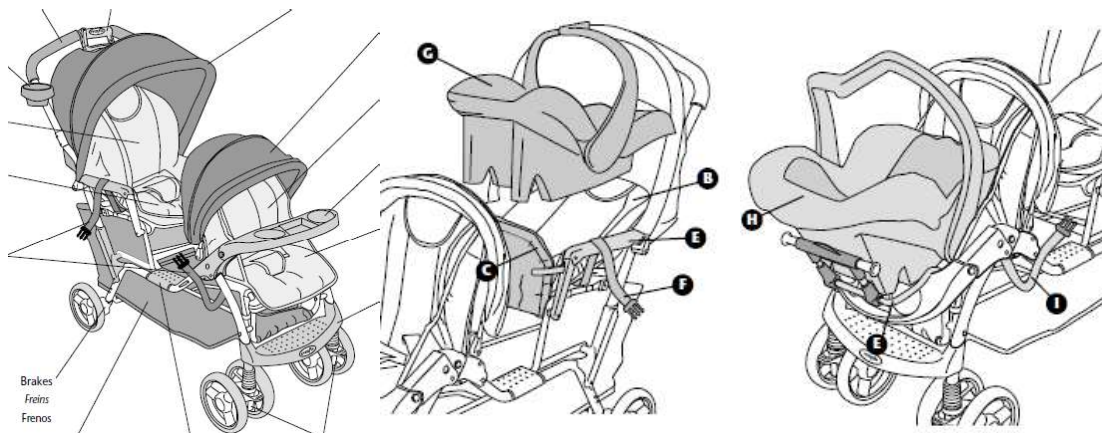
FIG. 1



FIG. 8

**U.S. Design Patent No. 429,476, Figs. 1 and 8**

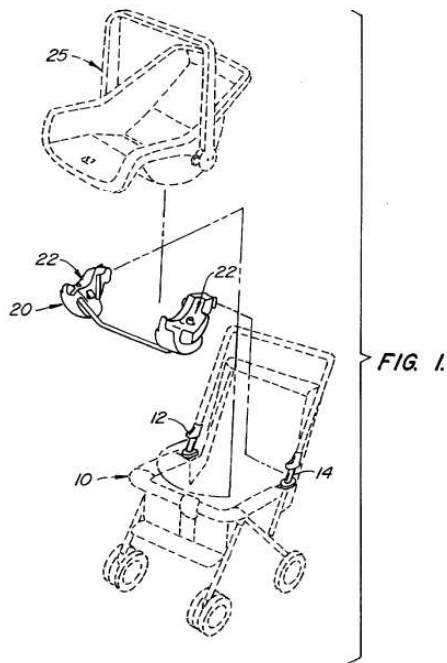
88. Exemplary commercial products include the Evenflo Take Me Too (EX1043, Evenflo Take Me Too Manual, Oct. 2004,) which each allowed for placement of an infant car seat over the back seat, or over the front seat.



**EX1043, Evenflo Take Me Too Manual, 1, 13, 14**

89. Strollers designed for indirect attachment of an infant car seat typically required the use of an infant seat adapter. Once installed, the adapter enabled users to securely attach the car seat to the stroller frame, providing a stable and reliable connection. For example, U.S. Patent No. 5,794,951 to Corley

discusses use of auxiliary attachments to install prior to infant car seat installation (EX1045.)



Turning now to the drawings, Fig. 1 is an exploded perspective view illustrating the latching mechanism of the invention as applied to a combination child's car seat and stroller combination. As seen in this figure, a stroller shown in broken lines in part and generally designated with reference numeral 10 has a pair of support posts 12, 14 incorporated into the frame structure of the stroller 10. As described more fully below, support post 12 functions as a latch support post while support post 14 functions as a pivot support post.

(EX1045, U.S. Patent No., 5,794,951, 2:35-44 and Fig 1.)

90. Related to travel systems, stroller frames designed exclusively for use with an infant car seat were also widely commercially available by 2008. These lightweight and compact frames served as a minimalist solution for parents seeking a convenient and portable option during the early stages of their child's life. The frames typically featured universal adapters or brand-specific compatibility, allowing the infant car seat to securely click into place. Once the child outgrew the infant car seat, these frames were often retired, making them a short-term but practical investment for newborns and infants.

91. Stroller frames containing attachments for car seats were available on the market by 2008. For example, the Bebe Confort was commercially available and offered for sale before 2008 (EX1032, Greg Allen Dec., ¶¶10-11 and EX2.)<sup>10</sup>



**EX2025, Greg Allen Dec., EX2**

92. Each of these strollers demonstrate how stadium-style seating can be achieved through variations in frame structure and seat attachment mechanisms. These designs illustrate different approaches to elevating one seat relative to the other to provide improved visibility and accessibility for the child seated in the rear position and underscore the evolution of double tandem stadium strollers before 2008.

93. Another known travel system was the “Vista” stroller which was designed by Uppababy and commercially available by June 2007. (See EX1031, Declaration of Holly Schultz, ¶¶14-18.)

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<sup>10</sup> *Bebe Confort Twin Club Looks Great*, DaddyTypes Blog, (Sept. 24, 2004) [https://daddytypes.com/2004/09/24/bebe\\_confort\\_twin\\_club\\_looks\\_great.php](https://daddytypes.com/2004/09/24/bebe_confort_twin_club_looks_great.php)





See Youtube video at: <https://www.youtube.com/watch?v=9IrmQs8kL5I><sup>11</sup>

94. On September 10, 2008, Uppababy introduced a device called the “RumbleSeat” which could be the Vista stroller at the ABC Kids Expo in Las Vegas. The RumbleSeat was an optional seat assembly connectable to the Vista to provide a dual-seat configuration. (EX1032, ¶¶30-34; EX7.)

Though the details are still shrouded in flash glare--or cropped out of the photo entirely, Pish Posh Baby has the scoop from ABC Kids Expo in Las Vegas, where Uppa baby debuted a poster of a removable underseat seat for their flagship stroller, the Vista. The RumbleSeat allows you to stack your kids Phil & Teds-style, only they're facing toward you, so it's totally different.

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<sup>11</sup> This “YouTube” link was provided in the June 12, 2007 post on the Baby Gizmo YouTube channel (See EX1031, ¶14 and EX2.)



(EX1032, EX7, 46.)



**EX1032, Greg Allen Dec., EX7**



See <https://www.flickr.com/photos/24570716@N06/2844563925/><sup>12</sup>

95. According to the 2008 blog post, the RumbleSeat was a removable “underseat ... for [Uppababy’s] flagship stroller, the Vista.” (EX1032, EX7, 46) that was connected to the lower tubes of the frame. As I have annotated below, attached to the ends of the U-shape frame were right and left beige/black brackets that allowed the RumbleSeat to be removably coupled to the right and left support members of the frame (seered circles). Each of the brackets included a receptacle

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<sup>12</sup> This “Flickr” link was provided in the September 2008 post by daddytypes (See EX1032, ¶33 and EX7, 46.)

located on the top of the bracket for receiving the corresponding end of the U-shaped frame therein. The lower portion of each bracket was configured to couple with the lower tube of the frame.



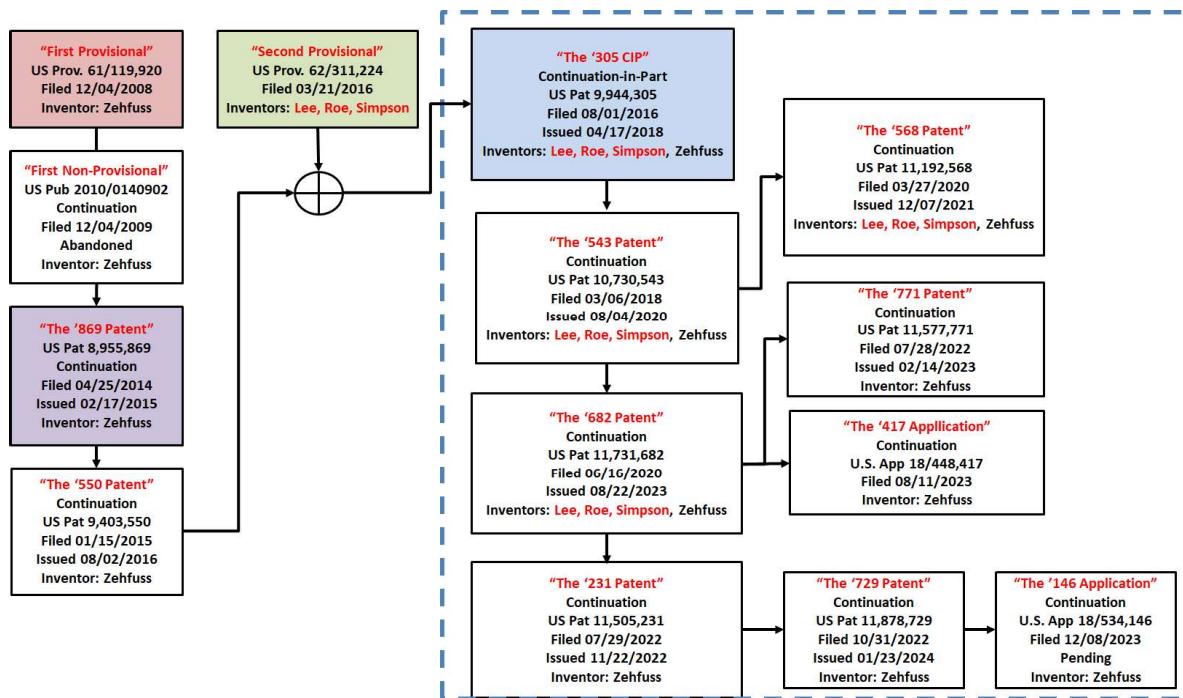
**Uppababy Rumbleseat**

## **V. Overview of the Baby Jogger Patent Family**

96. The Baby Jogger family of related patents is illustrated below. As shown, and further explained below, both a December 4, 2008 application (“First Provisional”) and a December 4, 2009 original application (“First Non-Provisional”) named only Mark Zehfuss as the inventor.

97. A March 21, 2016 second provisional application (“Second Provisional,” shaded in green) identified three new inventors—John Lee, Megan Roe, and Noel Simpson. A subsequent August 1, 2015 continuation-in-part

application (“the ‘305 CIP,” shaded in blue), which claimed priority to both the First and Second Provisional applications, then identified Mr. Zehfuss and the three new inventors.



**'771 Patent Family**

**A. “The First Provisional”**

98. The “First Provisional” was filed on December 4, 2008 as U.S. Provisional Patent Application No. 61/119,920 (EX1002; “the First Provisional”).

99. As filed and shown below, the First Provisional lists Mark Zehfuss as the sole inventor.



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
61/119,920	12/04/2008		110	DYN005		

6980  
TROUTMAN SANDERS LLP  
600 PEACHTREE STREET, NE  
ATLANTA, GA 30308

CONFIRMATION NO. 6909  
FILING RECEIPT



Date Mailed: 01/02/2009

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections.

Applicant(s)  
MARK ZEHFUSS, Residence Not Provided;  
Power of Attorney: None

## EX1002, First Provisional, 16

100. The First Provisional discloses the following embodiment, which I reference as "Embodiment A," related to Figures 1-3.



[0018] A side view of an embodiment a single stroller 10 is shown in Figure 1. As a note, Figure 1 shows only one side of the single stroller 10, however, most components include a complementary component on the other side of the single stroller but are not shown in Figure 1. The single stroller 10 comprises a frame 12 that supports seat 13. The frame 12 may, optionally, include a folding mechanism 16 that allows the stroller 10 to be folded to a more convenient size for storing or transporting the stroller 10.

■ ■ ■

[0020] The embodiment of the stroller 10 comprises two connector portions 17. The connector portions are preferably on the front of the stroller to allow the attachment and the seat to be connected to the front of the stroller 10. The connector portions 17 allow an attachment such as a conversion kit for converting the single stroller 10 to a double stroller, as shown in Figure 3, to be connected to the stroller. The embodiment of the stroller 10 has a left side and right side connector portions 17. An embodiment of an attachment of stroller 10 will comprise corresponding attachment portions capable of connecting to the stroller frame at the connector

■ ■ ■

[0021] An embodiment of an attachment 20 of the invention is shown in Figure 2. The attachment of Figure 2 is in an unlocked and folded configuration. The attachment 20 comprises a pair of attachment portions 21 capable of connecting to the stroller frame 12, two seat attachment elements 22 capable of supporting a seat; and a wheel 23. In this embodiment, the attachment portions are connected to the rear of the attachment 20 allowing the attachment 20 to be connected to the front of a stroller, such as stroller 10 shown in Figure 1. Other embodiments of the stroller attachment may include more than one wheel, one attachment element, one seat attachment element, or combinations of these elements, for example or may not include a wheel. In an embodiment of the stroller with one wheel, the connector portion may be on the forks of the front wheel, for example.

[0026] In Figure 3, the attachment 20 of Figure 2 is shown connected to the single stroller 10 of Figure 1 forming a double stroller. The double stroller configuration is shown with two stroller seats in an inline configuration, though the other configurations, such as a stroller seat and a bassinet or a pram may also be supported on the double stroller. Further, the seat attachment element of the attachment may be capable of supporting the front stroller seat in either a forward or backward position.

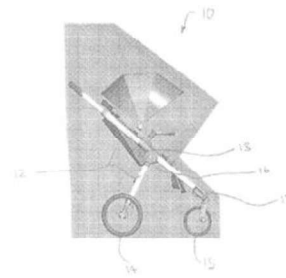


FIGURE 1

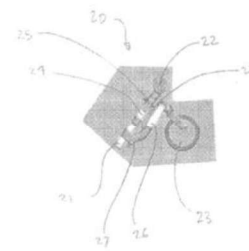


FIGURE 2

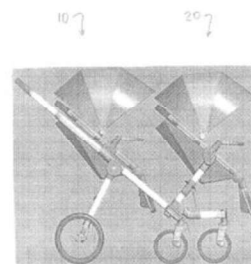


FIGURE 3

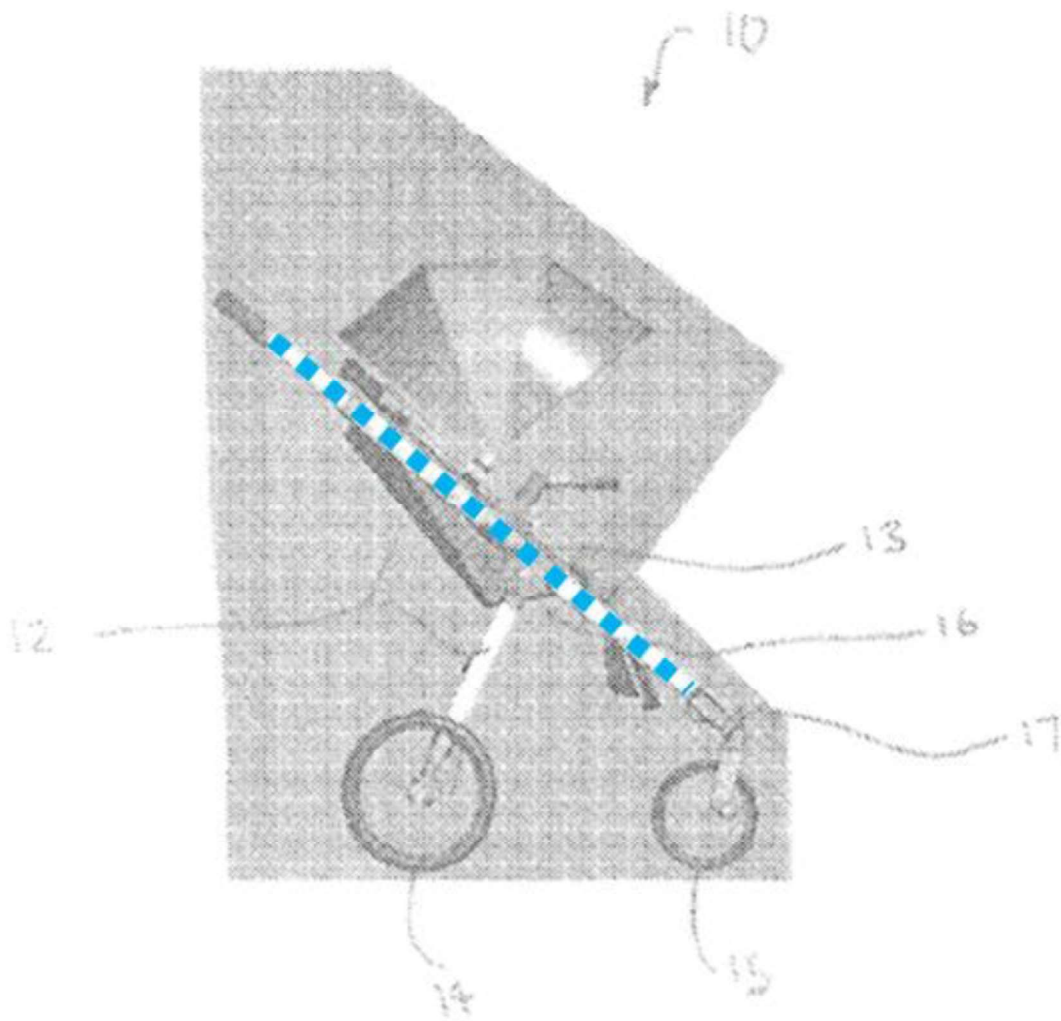
## EX1002, First Provisional, 36-37, 38, 40, Figs. 1-3

101. In describing “Embodiment A”, the specification discloses a stroller 10 having a frame 12 with folding mechanisms 16.

The single stroller 10 comprises a frame 12 that supports seat 13. The frame 12 may, optionally, include at least one, preferably two, folding mechanism 16 that allows the stroller 10 to be folded to a more convenient size for storing or transporting the stroller 10.

(EX1002, First Provisional, 37.)

102. While not discussed in the text, it can be seen from Figure 1 that the frame has an upper elongate member extending upwardly from the folding mechanism 16 and a lower elongate member extending downwardly from the folding mechanism. Figure 1 shows the upper and lower elongate members as being in the exact same plane (blue line).

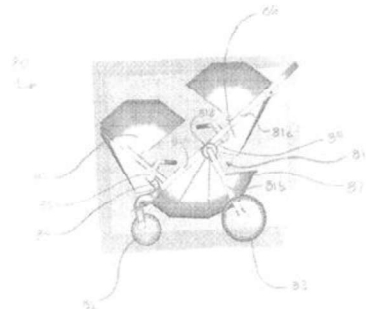


**EX1002, First Provisional, Fig. 1**

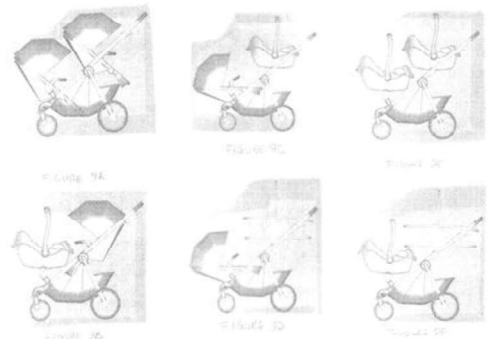
103. The First Provisional also included another embodiment

(“Embodiment B”) related to Figures 8 and 9A-9F.

[0033] A further embodiment of the stroller 80 is shown in Figure 8. Stroller 80 may be easily converted from a single stroller comprising one seat to a double stroller comprising two seats without addition of another wheel on the attachment. Stroller 80 comprises a frame 81 capable of supporting the stroller seat 86. In this embodiment, the frame 81 comprises a front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The frame 81 of the embodiment of the stroller 80 further comprises a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The folding mechanism 81d allows the stroller to be folded in a more compact size for storing or transportation. Figure 8A shows stroller 80 in a folded configuration.



[0036] Embodiment of the stroller 80 comprises a first seat attachment portion 84. The seat attachment portion 84 is connected to the stroller 80 front wheel support frame 81a. The seat attachment portion 84 is adjacent to the front wheel support portion 81a of frame 81. The seat attachment portion is capable of supporting a second seat in front of the stroller seat 86. This provides convenience and versatility to a user of stroller 80. Seat attachment portion may be fixedly attached or removably attached to front wheel support portion 81a. The front seat may be positioned substantially over the front wheels so the stroller remains stable. The seats should be positioned such that the center of gravity of the stroller is between the front and rear wheels. If not an additional wheel may be placed on the attachment as previously described. Seat attachment portion 84 comprises a seat connector 88. Seat connector 88 may be a multipurpose general connector that allows different seats to be interchanged on the seat attachment portion 84. Any style seat may be configured to connect to the seat connector, such as but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example.

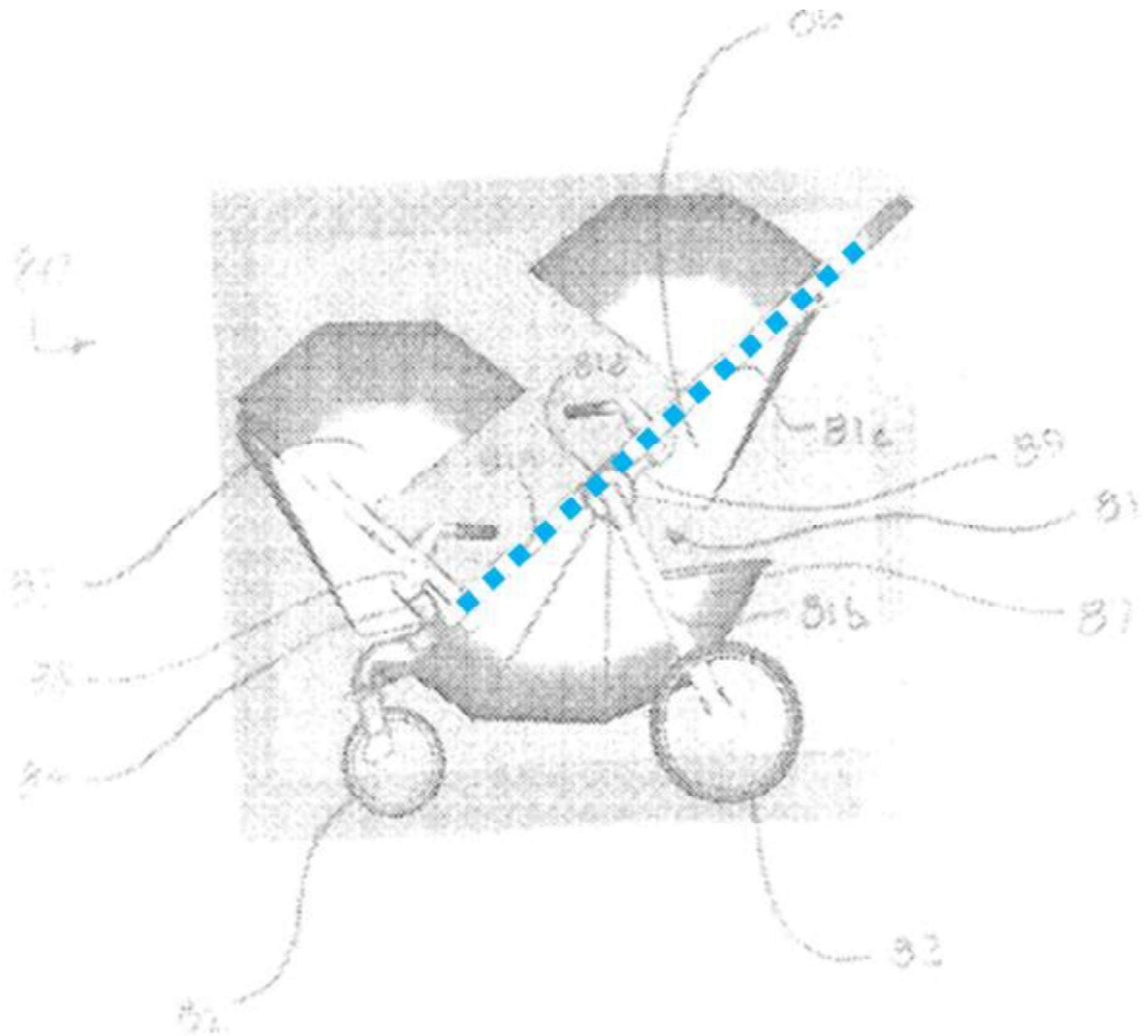


[0016] Figures 9A, 9B, 9C, 9D, 9E, and 9F show various configurations of the embodiments of the stroller shown in Figure 8.

### EX1003, First Non-Provisional, ¶¶0026, 0043, 0046, Figs. 8, 9A-9F

104. The subcomponents of the frame are described in more detail in Embodiment B compared to Embodiment A specifying that the “frame 81” has a “front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c.” (EX1002, First Provisional, 42, ¶0033.)





**EX1002, Fig. 8 (Annotated)**

105. While not discussed in the specification, Fig. 8 shows the handle portion 81c extending in the exact same plane as the front wheel support portion 81a (blue line). The handle portion extends from the folding mechanism up to the top of the frame.

### B. “The First Non-Provisional”

106. On December 4, 2009 U.S. patent application No. 12/631,375 was

filed. I understand this application published as U.S. Publication No. 2010/0140902. (EX1003, “the First Non-Provisional”.)

107. The First Non-Provisional appears to have included the disclosure of “Embodiment A”.

[0028] A side view of an embodiment a single stroller 10 is shown in FIG. 1. As a note, FIG. 1 shows only one side of the single stroller 10, however, most components include a complementary component on the other side of the single stroller but are not shown in FIG. 1. The single stroller 10 comprises a frame 12 that supports seat 13. The frame 12 may, optionally, include at least one, preferably two, folding mechanism 16 that allows the stroller 10 to be folded to a more convenient size for storing or transporting the stroller 10.

■ ■ ■

[0030] The embodiment of the stroller 10 comprises two attachment frame members 17. The connector portions are preferably on the front of the stroller to allow the seat attachment and the seat to be connected to the front of the stroller 10. The attachment frame members 17 allow a seat attachment such as the seat attachment for converting the single stroller 10 to a double stroller, as shown in FIG. 3, to be connected to the stroller. Only one seat attachment is shown in FIG. 3, the stroller 10 would use two seat attachments as shown in FIG. 3 or one seat attachment comprising two seat support elements. The embodiment of the stroller 10 has a left side and right side attachment frame members 17. An embodiment of a seat attachment of stroller 10 will comprise corresponding connector portions capable of connecting to the stroller frame at the attachment frame members 17. Though the seat attachment for the stroller is described in relation to a single stroller, the attachment may similarly be attached to a double stroller. Embodiments of the seat attachment may therefore be used to convert a double stroller into a triple stroller, if desired.

[0031] An embodiment of a seat attachment 20 of the invention is shown in FIG. 2. The seat attachment of FIG. 2 is in an unlocked and folded configuration. The seat attachment 20 comprises a pair of connector portions 21 capable of connecting to the attachment frame members 12, two seat attachment elements 22 capable of supporting a seat; and a wheel 23. In this embodiment, the connector portions are connected to the rear of the seat attachment 20 allowing the seat attachment 20 to be connected to the front of a stroller, such as stroller 10 shown in FIG. 1. Other embodiments of the seat attachment may include more than one wheel, one connector portion, one seat support element, or combinations of these elements. In an embodiment of the stroller with one wheel, the attachment frame member may be on the forks of the front wheel, for example.

■ ■ ■

[0036] In FIG. 3, the seat attachment 20 of FIG. 2 is shown connected to the single stroller 10 of FIG. 1 forming a double stroller. The double stroller configuration is shown with two stroller seats 13 in an inline configuration, though the other configurations, such as a stroller seat and a bassinet or a pram may also be supported on the double stroller. Further, the seat support element of the seat attachment may be capable of supporting the front stroller seat in either a forward or backward position.

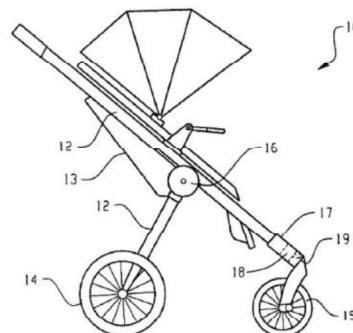


Fig. 1

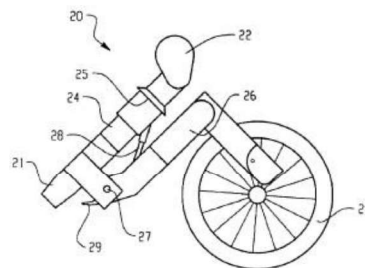


Fig. 2

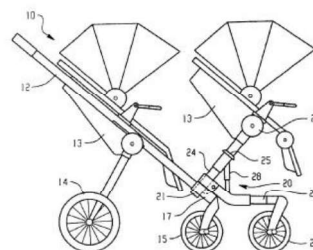


Fig. 3

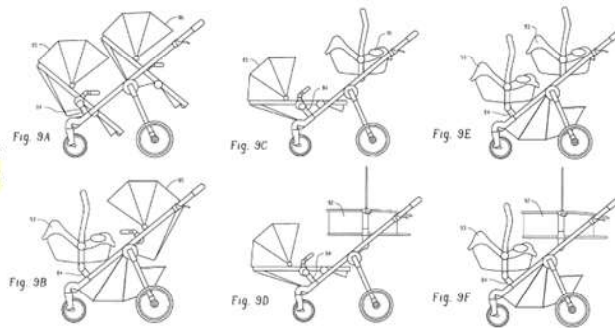
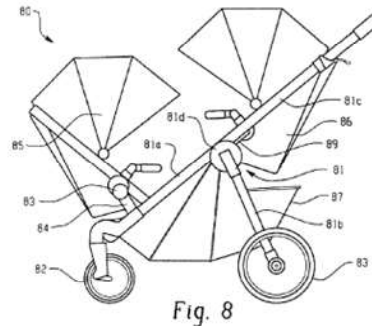
### EX1003, First Non-Provisional, at ¶¶0028, 0030-0031, 0036, Figs. 1-3

108. The First Non-Provisional also included the disclosure of “Embodiment B” related to Figures 8 and 9A-9F.

[0043] A further embodiment of the stroller 80 is shown in FIG. 8. Stroller 80 may be easily converted from a single stroller comprising one seat to a double stroller comprising two seats without addition of another wheel on the attachment. Stroller 80 comprises a frame 81 capable of supporting the stroller seat 86. In this embodiment, the frame 81 comprises a front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The frame 81 of the embodiment of the stroller 80 further comprises a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The folding mechanism 81d allows the stroller to be folded in a more compact size for storing or transportation. FIG. 8A shows stroller 80 in a folded configuration.

[0046] Embodiment of the stroller 80 comprises a first seat support element 84. The seat support element 84 is connected to the stroller 80 front wheel support frame 81a. The seat support element 84 is adjacent to the front wheel support portion 81a of frame 81. The seat support element is capable of supporting a second stroller seat 85 in front of the stroller seat 86. This provides convenience and versatility to a user of stroller 80. Seat support element may be fixedly attached or removably attached to front wheel support portion 81a. The front seat 85 may be positioned substantially over the front wheels so the stroller remains stable. Preferably, the seats should be positioned such that the center of gravity of the stroller is between the front and rear wheels. If not an additional wheel may be placed on the attachment as previously described. Seat support element 84 comprises a seat connector 88. Seat connector 88 may be a multipurpose general connector that allows different seats to be interchanged on the seat support element 84. Any style seat may be configured to connect to the seat connector, such as but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example.

[0026] FIGS. 9A, 9B, 9C, 9D, 9E, and 9F show various configurations of the embodiments of the stroller shown in FIG. 8.



### EX1003, First Non-Provisional, at ¶¶ 0026, 0043, 0046, Figs. 8, 9A-9F

109. On March 28, 2013, during prosecution of the First Non-Provisional, the Examiner indicated a figure was needed to illustrate how Embodiment A (*i.e.*, Figures 1-3) discloses “one attachment portion” being attached to one front wheel and “the other attachment portion” being attached to the other front wheel.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following from Claim 16 must be shown or the feature(s) canceled from the claim(s): "wherein one attachment portion is connected adjacent to one front wheel and the other attachment portion is connected to the frame adjacent to the other front wheel." No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **EX1014, File History of First Non-Provisional, 183-184**

110. On June 12, 2013, the Patent Owner responded by attempting to amend the specification to include Figures 10 and Figure 11 (shown below). The Patent Owner also attempted to amend the specification to include the following description for both Figures 10 and 11, which I understand was intended to become part of the original First Non-Provisional Specification.

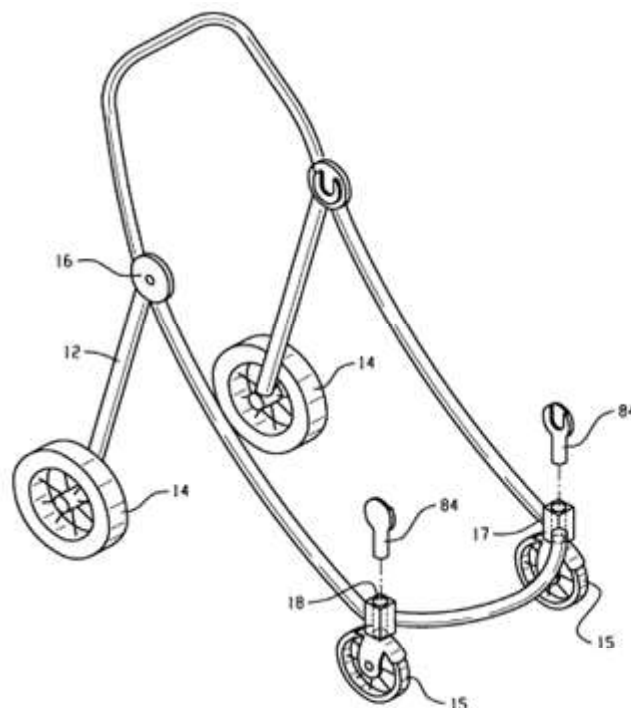
**AMENDMENT TO THE SPECIFICATION**

Please add the following paragraphs to the specification after paragraph [0026]:

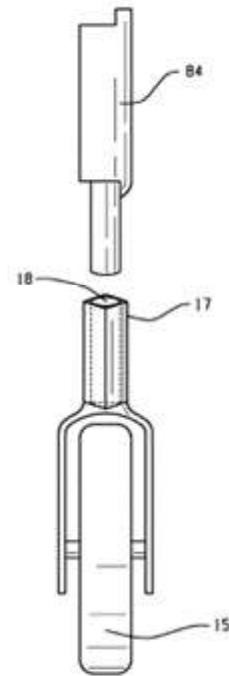
“FIG. 10 shows a perspective view of an embodiment of a stroller comprising two attachment frame members 17 capable of reversibly receiving two separate seat attachments 84, wherein the seat attachments each comprise a seat attachment member 22 for converting the stroller into a double stroller, the seat attachment comprising a connector portion capable of reversibly connecting to one of the attachment portions above a front wheel of the stroller and a seat attachment member capable of supporting a second seat in either a forward or backward position;

FIG. 11 shows a close up on the stroller, stroller front wheel, attachment portion 17 of the stroller adjacent to the front wheel comprising slot 18 and the seat attachment 84.”

**EX1014, File History of First Non-Provisional, 221**



*Fig. 10*



*Fig. 11*

**EX1014, File History of First Non-Provisional, 233-234**

111. On August 2, 2013, the Examiner objected to Figures 10-11 because they were not directed to the embodiment disclosed by Figures 1-3. The Examiner




instead indicated Figures 10-11 were directed to “a different embodiment and do not contain the same elements as claimed[.]”

7. The new drawings submitted 6/12/2013 labeled Figures 10 and 11 (along with the previously submitted Figures 1-3) are objected to as failing to comply with 37 CFR 1.84(p)(4). Specifically, it is unclear whether the new Figures are the requested “frontal view” showing “how the seat attachment and stroller mate” pertaining to the elected embodiment in Figures 1-3. As best understood, the new figures appear to be directed to a different embodiment and do not contain the same elements as claimed nor do they illustrate “how the seat attachment and stroller mate.” Furthermore, they do not contain the seat attachment or its extra wheel as claimed (See, e.g., Claims 2 and 16). Claim 16, as currently claimed, provides for a stroller with at least three wheels in the front which the drawings do not currently illustrate. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **EX1014, File History of First Non-Provisional, 276-277**

112. It does not appear this objection was addressed as the Patent Owner ultimately elected to abandon the First Non-Provisional. (EX1014, File History of First Non-Provisional, 519-521).

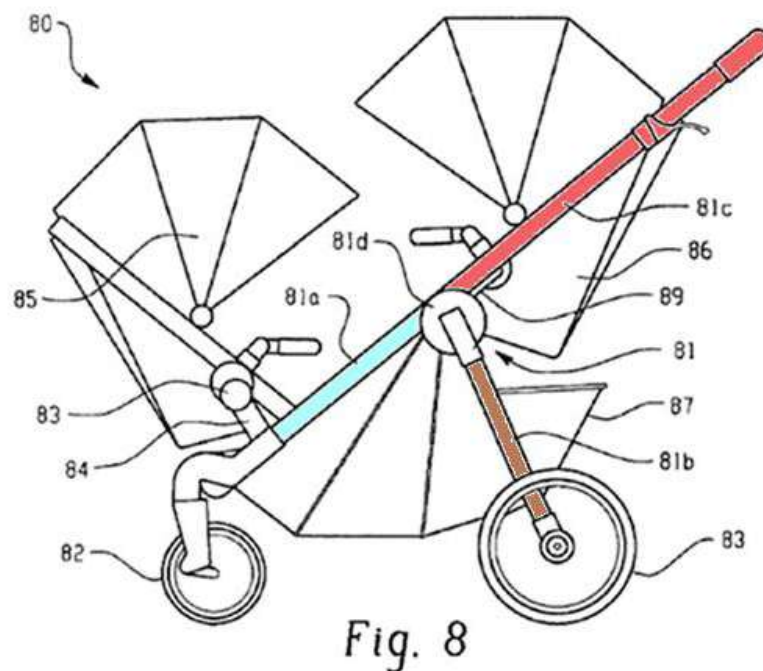
 Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

#### **EX1014, File History of First Non-Provisional, 521**

113. The figures and Description section of the First Non-Provisional were largely a carry-over from the First Provisional Application. The First Non-

Provisional depicts and describes the frame 12 of Embodiment A which is mostly the same as what was disclosed in the First Provisional. (Compare EX1002, (First Provisional), ¶0018 to EX1003, (First Non-Provisional), ¶0028.)

114. The First Non-Provisional Application explains the frame 81 has a front wheel support portion 81a (light blue), a folding mechanism 81d, a back wheel support portion 81b (brown), and a handle portion 81c (red). (EX1003, First Non-Provisional, ¶0043.)



**EX1003, First Non-Provisional, Fig. 8 (Annotated)**

115. While not discussed in the specification, both embodiment A and B continue to show the handle portion 81c (red) as being in the exact same plane as the front wheel support portion 81a (blue). Both also continue to show the handle



portion 81c (red) extending from the folding mechanism 81d to the top of the frame.

**C. “The ’869 Patent”**

116. On April 25, 2014, just before the First Non-Provisional was abandoned, Patent Owner filed U.S. patent application No. 14/261,558, which issued as U.S. Pat. No. 8,955,869 (EX1004, “the ’869 Patent”). I understand the ’869 Patent claims priority to the First Provisional.

117. As filed, the ’869 Patent includes the same disclosure regarding “Embodiment A” (see EX1004, the ’869 Patent, 4:40-48, 5:11-44, 7:5-13) and “Embodiment B” (see EX1004, the ’869 Patent, 8:49-63, 9:36-56, 3:66-67) disclosed in the First Provisional.

118. As filed, the ’869 Patent included Figures 10–11, which had previously been objected to by the Examiner during prosecution of the First Non-Provisional on August 2, 2013. (EX1014, File History of First Non-Provisional, 276–277.) However, the Patent Owner did not include the accompanying description it had proposed on June 12, 2013. Instead, the ’869 Patent provides only the following description for both figures.

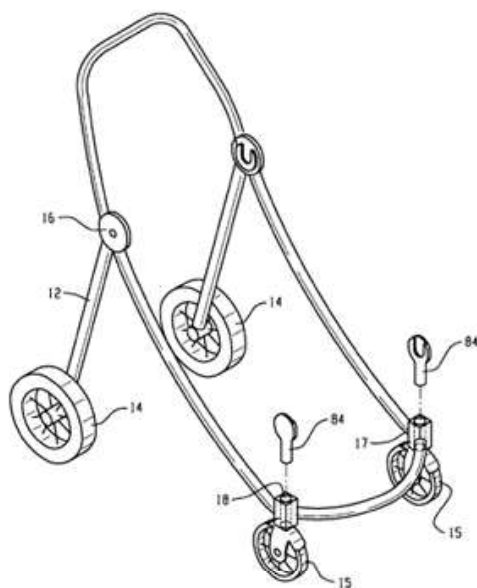


Fig. 10

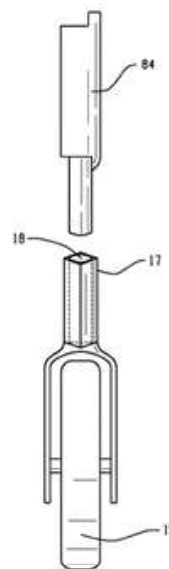


Fig. 11

FIG. 10 shows a stroller with left and right attachment frame members for attaching a second seat; and  
FIG. 11 shows an attachment frame member with a cylindrical post to be received in a slot in a stroller frame.

**EX1004, the '869 Patent, 4:1-4, Figs. 10-11**

119. As I explained above, I understand the Examiner objected to these two drawings when introduced as not being representative of the embodiment shown by Figures 1-3, *i.e.*, Embodiment A. (EX1014, First Non-Provisional File History, 276-277.) I concur with the Examiner's assessment that Figs. 10-11 of the '869 Patent were not front views of the Embodiments A and B because the frame members of the original embodiments were not curved.

120. It is unclear if the Examiner considered Figures 10-11 supported by the earlier patent application because the Examiner did not address it. Given the lack of description, it is also unclear if Figures 10-11 are meant to be representative

of Embodiment A, Embodiment B, both embodiments, or an embodiment not originally disclosed.

121. Additionally, it is unclear from the Figure 10 whether the frame is foldable. Notwithstanding, the frame is unlike Embodiments A and B. The frame is also curved, and thus, not in any way planar.

**D. “The Second Provisional”**

122. On March 21, 2016 the Patent Owner filed U.S. Provisional Patent Application No. 62/311,224 (EX1006, “Second Provisional”).<sup>13</sup>

123. The Second Provisional does not list Mr. Zehfuss as a named inventor. Instead, as shown below, the Second Provisional lists John Lee, Megan Roe, and Noel Simpson as named inventors.

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<sup>13</sup> I have been informed by my attorneys the Second Provisional is not permitted to claim priority to the originally filed First Provisional application.

APPLICATION NUMBER		FILING or 37(c) DATE	GR/PART UNIT	FIL. FEE RECD	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
62/311,224		03/21/2016		260	34757-1494		

134811  
Sutherland/NWL  
999 Peachtree Street  
Suite 2300  
Atlanta, GA 30309

CONFIRMATION NO. 1030  
FILING RECEIPT

CC0000008199431

Date Mailed: 04/07/2016

Receipt is acknowledged of this provisional patent application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

**Inventor(s)**

Jon Hee Lee, Kalamazoo, MI;  
Megan Roe, Kalamazoo, MI;  
Noel Simpson, Portage, MI;

**Applicant(s)**

Baby Jogger, LLC, Richmond, VA;

**EX1006, Second Provisional, 1**

124. The Second Provisional disclosed multiple new embodiments not previously disclosed by the previous applications.

125. In general, the Second Provisional discloses multiple embodiments relating to the novel design and operation of "seat attachment adapters" and "seat attachment housings" to allow a single-seat stroller to be adjusted to a double-seat stroller.

126. For instance, Embodiment C<sup>14</sup> discloses and provides exemplary

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<sup>14</sup> To avoid confusion, I maintain the labels Embodiments A-B pertaining to the Original Specification and will use Embodiments C-D for what is disclosed by the

drawings (Figures 1A-H, 2, and 4A-4C) pertaining to features of the “seat attachment adapters” and “seat attachment housings.” The Second Provisional also details how the “seat attachment adapters” can operate in conjunction with the either the “stroller frame” or the “seat attachment housings.”

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Second Provisional. I also note that Embodiment C includes multiple different embodiments based on what is disclosed.

Figures 1A-H present multiple views of a stroller apparatus capable of being converted from a single seat stroller to a double seat stroller through the use of removable seat attachment adapters, according to one example embodiment of the disclosure. Referring now to Figures 1A-H, the example stroller apparatus 10 can include a stroller frame 11 capable of supporting one or more stroller seats 15, 16. In one example embodiment, the stroller frame 11 can be made of one or more pieces fixedly coupled and/or removably coupled to one another. The stroller frame 11 can include portions that are hollow tubing and other portions that are solid core tubing and can be made from metal, plastic, or other materials known in the art.



decoupled from the frame 11 and stored when a second stroller seat is not being used with the stroller 10. In one example embodiment, each removable seat attachment adapters can be coupled to the frame by coupling the adapter 14 into a seat attachment housing disposed along the frame 11. In one example, the seat attachment housing (such as that described in Figures 2-5C below) can be integrally formed with all or a portion of the stroller frame (e.g., integrally formed with front wheel support frame 11a). Alternatively, the seat attachment housing can be a separate apparatus that is coupled to the frame 11 or incorporated into the frame 11 by coupling multiple pieces of the frame 11 together. The frame 11 and each seat attachment housing can be made from the same or different materials, including, metals and plastics.

Though it cannot be seen in the side view of Figure 1A, a typical embodiment of the stroller 10 will include at least two removable seat attachment adapters 14 (at least one along each left and right side of the stroller 10 along the stroller frame 11). For example, at least one removable seat attachment adapter can support each lateral side of the second stroller seat 15. In certain example embodiments, each of the removable seat attachment adapters 14 may be made up of one piece or multiple parts. The removable seat attachment adapters 14 may be of any design capable of securely supporting a seat on the stroller. In one example, the removable seat attachment adapter 14 is configured to have a first end that removably coupled to the frame 11 and/or seat attachment housing and a distal second end that is configured to be removably coupled to a second stroller seat 15. The removable seat attachment adapter 14 is designed to be capable of supporting the second stroller seat 15 in front of the first stroller seat 16. The stroller 10 may also include a storage basket 17.



In certain example embodiments, the removable seat attachment adapter 14 is capable of supporting a second stroller seat 15 such that a child in the second stroller seat 15 is substantially above the frame 11 of the stroller 10 that is substantially adjacent to the connection point of the second stroller seat 15. This positioning of the second stroller seat 15 with respect to the frame 11 provides easier access to the second stroller seat 15, does not block access to the storage basket 17, allows more versatile configurations of the seats 15, 16, allows more variety of seats 15, 16 to be attached to the frame 11, and allows the parent or guardian to more easily monitor and see the child in each stroller seat 15, 16.



FIGURE 1A

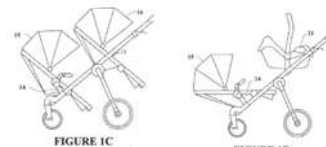


FIGURE 1C

FIGURE 1E



FIGURE 1D

FIGURE 1F



FIGURE 1G

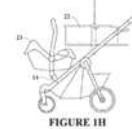


FIGURE 1H

**EX1006, Second Provisional, 8, 10-11; Figures 1A, 1C-1H**

Figure 2 is a partial perspective view of the stroller 10 showing a seat attachment housing 205 according to one example embodiment of the disclosure. Referring now to Figures 1A and 2, the example stroller 10 can include a first seat attachment housing 205 and the second seat attachment housing 210. The first seat attachment housing 205 can include a first end 205a having a cavity for slidably receiving and fixedly or slidably coupling the first end 205a to a first end of the left front wheel support frame 11a. For example, the left front wheel support frame 11a can have a substantially circular or oval cross-section and the cavity of the first end 205a can have a corresponding circular or

■ ■ ■

decoupled from the frame 11 and stored when a second stroller seat is not being used with the stroller 10. In one example embodiment, each removable seat attachment adapters can be coupled to the frame by coupling the adapter 14 into a seat attachment housing disposed along the frame 11. In one example, the seat attachment housing (such as that described in Figures 2-5C below) can be integrally formed with all or a portion of the stroller frame (e.g., integrally formed with front wheel support frame 11a). Alternatively, the seat attachment housing can be a separate apparatus that is coupled to the frame 11 or incorporated into the frame 11 by coupling multiple pieces of the frame 11 together. The frame 11 and each seat attachment housing can be made from the same or different materials, including, metals and plastics]

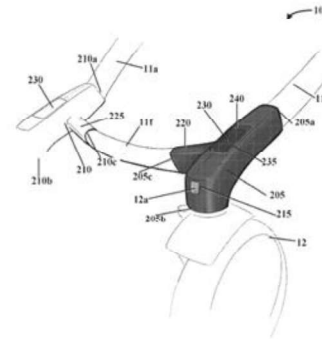


FIGURE 2

## EX1006, Second Provisional, 10, 12, Fig. 2

Figures 4A-C are partial perspective views of the removable seat attachment adapter 14 coupled to the seat attachment housing 205 according to one example embodiment of the disclosure. Now referring to Figures 1A, 2, 3, and 4A-C, once the door 235 has been moved into the open configuration exposing the opening 230 and the adapter receiving cavity 305, a first end 14a of the removable seat attachment adapter 14 can be inserted into the adapter receiving cavity 305. In certain example embodiments, the adapter receiving cavity 305 can include one or more stop flanges 415, 420 that extend out from an inner surface of the cavity 305 and into the cavity area to abut against a bottom side of the first end 14a of the removable seat attachment adapter 14 when the adapter 14 has penetrated a sufficient amount into the adapter receiving cavity 305. Once the adapter 14 is inserted into the cavity 305 and removably coupled to the seat attachment housing 205, a stroller seat can be removably coupled to a seat connector disposed on or adjacent to the second end 14b of the removable seat attachment adapter 14. The seat connector on the second end 14b can be a multipurpose general connector that allows different seats to be interchangeably connected to the removable seat attachment adapter 14. Any style seat may be configured to connect to the seat connector including, but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example.

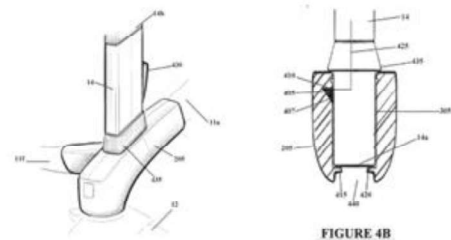


FIGURE 4A

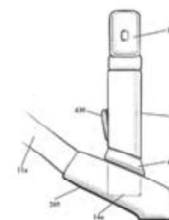


FIGURE 4B

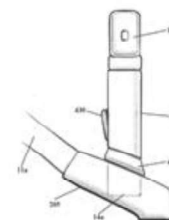


FIGURE 4C

## EX1006, Second Provisional, 15-16, Figs. 4A-4C

127. Embodiment C utilizes a new frame structure that differed from embodiments A and B and was not disclosed prior to the Second Provisional. Embodiment C added an upper tube support frame between the “handle portion”

<sup>15</sup> It is unclear where the upper tube 11c ends and the handle portion 11d begins hence the uncolored area between them. This ambiguity was eventually resolved during prosecution of the '543 Patent.



In one example embodiment, the stroller frame 11 can include a pair of front wheel support frames 11a (only the left front wheel support frame is shown), a pair of back wheel support frames 11b (only the left back wheel support frame is shown), a pair of upper tube support frames 11c (only the left upper tube support frame is shown), a handle portion 11d having a first end coupled to the left upper tube support frame 11c and a distal second end coupled to the right upper tube support frame 11c, and foot rest

**EX1006, Second Provisional, 8**

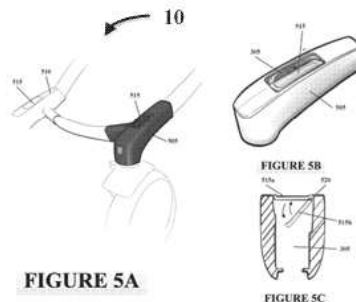
128. Embodiment C also provided new description of the handle portion 11d stating, “handle portion 11d having a first end coupled to the left upper tube support frame 11c and a distal end coupled to the right upper tube support frame 11c.” (EX1006, Second Provisional, 8.)

129. While not discussed in the specification, Embodiment C was consistent with embodiments A and B with regards to the sides of the frame being in a strict planar alignment.

130. Embodiment D of the Second Provisional, details and illustrates (Figures 5A-C) an “alternative embodiment” of the “seat attachment housings” and how it may operate with the “seat attachment adapters.”

Figures 5A-C are partial perspective views of an alternative embodiment of the seat attachment housing 505, 510 according to another example embodiment of the disclosure. Referring now to Figures 1A, 2 and 5A-C, the seat attachment housings 505, 510 are substantially the same as the seat attachment housings 205, 210 described in Figures 2-4C except for as described below. Therefore, the description of the seat attachment housings 205, 210 in Figures 2-4C above is incorporated herein for the alternative seat attachment housings 505, 510, except with regard to the distinctions described below.

Each seat attachment housing 505, 510 can include a rotating door 515 rotatably coupled to the seat attachment housing 505, 510. For example, the rotating door 515 can have a fixed end that is rotatably coupled to the top side of the seat attachment housing 505, 510 or an interior wall of the opening 230 or adapter receiving cavity 305 by way of one or more hinges 520. Alternatively, other devices may be used to allow the door 515 to rotate from a closed configuration 515a to an open configuration 515b, as shown in Figure 5C. In certain example embodiments, the door 515 and/or the rotating mechanism or hinge 520 that the door 515 is coupled to can be spring-biased into the closed configuration 515a through the use of a spring or other biasing means. Spring-biasing the door 515 into a closed configuration 515a can help to prevent fluids and other material contaminants from entering the adapter receiving cavity 305 when the removable seat attachment adapter 14 is not coupled into the adapter receiving cavity 305.



### EX1006, Second Provisional, 17-18, Figures 5A-5C

131. The Second Provisional introduced new, previously undisclosed definitions for “substantially” and phrases that included the term “substantially” (e.g., “substantially parallel”). No definition of “substantially within a plane” was added.

In addition, certain relationships between dimensions of the adjustable stroller and between features of the adjustable stroller are described herein using the term “substantially.” As used herein, the terms “substantially” and “substantially equal” indicates that the equal relationship is not a strict relationship and does not exclude functionally similar variations therefrom. Unless context or the description indicates otherwise, the use of the term “substantially” or “substantially equal” in connection with two or more described dimensions indicates that the equal relationship between the dimensions includes variations that, using mathematical and industrial principles accepted in the art (*e.g.*, rounding, measurement or other systematic errors, manufacturing tolerances, etc.), would not vary the least significant digit of the dimensions. As used herein, the term “substantially constant” indicates that the constant relationship is not a strict relationship and does not exclude functionally similar variations therefrom. As used herein, the term “substantially parallel” indicates that the parallel relationship is not a strict relationship and does not exclude functionally similar variations therefrom.

### **EX1006, Second Provisional, 7-8**

#### **E. “The ’305 CIP”**

132. On August 1, 2016, the Patent Owner filed continuation-in-part U.S. patent application No. 15/225,326, which issued as U.S. Pat. No. 9,944,305. (EX1007, “the ’305 CIP”). The ’305 CIP claimed priority back to the First Provisional and claimed the benefit of the Second Provisional.

133. The ’305 CIP specification: (1) adds and incorporates Embodiments C and D from the Second Provisional; (2) incorporates a modified version of Embodiment A from the Original Specification; (3) adds Embodiment E using Figures 9 and 10 (which were added by the Patent Owner during prosecution in

2013) based on some aspects of Embodiment B from the First Provisional.

134. I have included a red-line comparison between the First Non-Provisional Specification and the '305 CIP Specification to illustrate the comprehensive and significant modifications that occurred when the '305 Patent application was filed. (EX1046, Comparison of First Non-Provisional (EX1003) and '305 CIP Specification (EX1007).)<sup>16</sup> This comparison was done using the filed specification for the First Non-Provisional in comparison to the filed specification for the '305 Patent (*i.e.*, comparison between EX1014, First Non-provisional File History, 3-16 and EX1017, '305 Patent File History, 1-22).

135. The '305 CIP includes a new embodiment—which I reference as Embodiment E—when describing Figures 9 and 10<sup>17</sup> which the Patent Owner had introduced during prosecution of the First Non-Provisional in June 2013. (EX1014, First Non-Provisional File History, 221, 233-234.)

---

<sup>16</sup> The comparison “strikes out” material that has been removed from the First Non-Provisional Specification and underlines material that has been added into the '305 CIP Specification.

<sup>17</sup> These two figures were originally included and introduced as Figures 10 and 11.

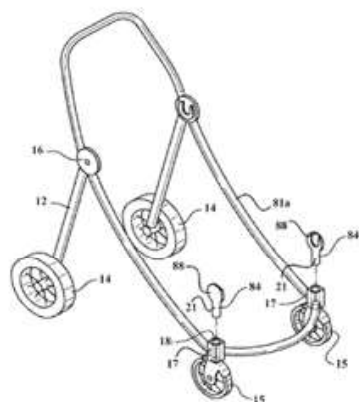


FIGURE 9

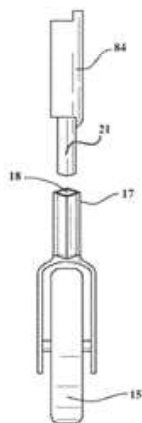


FIGURE 10

In one example embodiment, as shown in FIGS. 9-10, the stroller 80 can include one or more, and preferably two, seat support elements 84. The seat support element 84 is connected to and can be removably coupled to the stroller 80 front wheel support frame 81a. In certain example embodiments, the seat support element 84 is adjacent to the front wheel support portion 81a of frame 81. Alternatively, the seat support element 84 is simply forward of and positioned at a vertical level lower than the attachment point for the first stroller seat 86 (FIG. 8A) on the stroller 80. The seat support element 84 is capable of supporting a second stroller seat 85 in front of the stroller seat 86 (see FIG. 8A). This provides convenience and versatility to a user of the stroller 80. Seat support element 84 may be fixedly attached or removably attached to front wheel support portion 81a. In certain example embodiments, the front seat 85 may be positioned substantially over the front wheels 15 so the stroller 80 remains stable. Preferably, the seats 85, 86 should be positioned such that the center of gravity of the stroller 80 is between the front 15 and rear 14 wheels. If not an additional wheel may be placed on the attachment as previously described. The seat support element 84 can further include a seat connector 88. In one example, the seat connector 88 can be disposed along a top end of the seat support element 84. The example seat connector 88 may be a multipurpose general connector that allows different seats to be interchanged on the seat support element 84. Any style seat may be configured to connect to the seat connector 88, such as but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example. As shown in FIG. 9, the seat support element 84 can also include a connector portion 21. The connector portion 21 is capable of connecting the seat attachment to the frame 81 via the attachment portion 17 and the slot 18.

In certain example embodiments, the connector portion 21 of the seat attachment 20 has a cylindrical or substantially cylindrical shape. The connector portion 21 may be inserted into a cylindrical or substantially cylindrical slot 18 of the attachment portion 17 of the stroller 80 of FIG. 9-10 to secure the seat attachment and convert the single stroller into a double stroller, as shown in FIG. 8A. The connector portion 21 may be of a solid or tubular construction and may be any cross-sectional shape including, but not limited to, circular, polygonal, square, rectangular, and triangular, for example.

### EX1007, '305 CIP, 11:59-12:36, Figs. 9, 10

136. With regards to Figures 9 and 10, I note the Patent Owner selectively chose to describe “seat support element 84” as connecting to an “attachment portion 17” *instead* of describing them as “seat attachment adapters” coupled to “seat attachment housings.”



be configured to connect to the seat connector **88**, such as but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example. As shown in FIG. 9, the seat support element **84** can also include a connector portion **21**. The connector portion **21** is capable of connecting the seat attachment to the frame **81** via the attachment portion **17** and the slot **18**

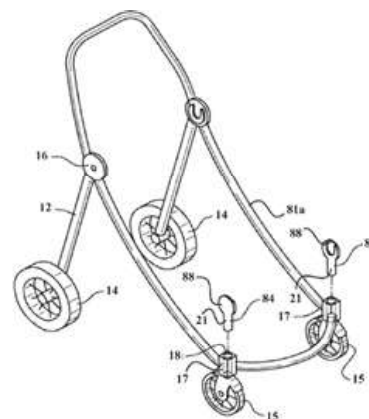


FIGURE 9

### EX1007, '305 CIP, 12:21-25, Fig. 9

137. In my opinion, the distinction between describing the various components using different terms is meant to inform a POSITA the embodiments are different and unique. Given the description pertaining to Figures 9 and 10 is new, the Patent Owner could have used the term “seat attachment adapters” instead of “seat support elements.” Or the Patent Owner could have included a statement indicating the “seat support elements” are like or intended to be the same as “seat attachment adapters.”

138. But the Patent Owner did not convey to a POSITA what is being described and shown by Figures 9 and 10 are “seat attachment adapters.” This is noteworthy given there is extensive discussion of the “seat attachment adapters 84”/“seat attachment housings 1105” (highlighted in yellow below) both right before and after the disclosure regarding Figures 9 and 10 (highlighted in orange below).

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basket 87, allows more versatile configurations of the seats 85, 86, allows more variety of seats 85, 86 to be attached to the frame 81, and allows the parent or guardian to more easily monitor and see the child in each stroller seat 85, 86.

The example stroller of FIG. 8A can also include the first stroller seat 86. In certain example embodiments, the first stroller seat 86 can be located generally closer to the handle portion 81d than to the front wheels 82. The first stroller seat 86 may be fixedly coupled or removably coupled to the frame 81. In certain example embodiments wherein the first stroller seat 86 is removably coupled to frame 81, the first stroller seat 86 may be adjustable from a forward-facing configuration to a rearward-facing configuration and vice-versa, as shown, for example, in FIGS. 8B-8C. In addition, 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.

FIGS. 8C-8H present additional examples of combinations for a variety of types of stroller seats that can be removably coupled to the stroller 80. For example, in FIG. 8D, the second stroller seat 86 can be replaced by an infant carrier 93 that can be removably coupled to each of the at least two removable seat attachment adapters 84 and the first stroller seat 86 can be coupled to the stroller in a forward-facing position. In another example, as shown in FIG. 8E, the first stroller seat 86 can be replaced by a child carrier 91 that may be coupled to the frame 81 and positioned in the first seat position and the second stroller seat 85 can be coupled to the stroller 80 by way of the at least two removable seat attachment adapters 84 in a rearward-facing position. In yet another example, as shown in FIG. 8F, the child carrier 91, of FIG. 8E, can be replaced with a pram 92 that is removably coupled to the stroller 80 in the first seat position. In still another example configuration, as shown in FIG. 8G, two child carriers 91 may be removably coupled to the stroller frame 81. For example, the front child carrier can be coupled to the stroller by way of each of the at least two removable seat attachment adapters 84. In another example configuration, one of the child carriers 91 may be replaced with a pram or bassinet 92, as shown in FIG. 8H.

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. The second set of removable seat attachment adapters 89 may be substantially the same as or exactly the same as the removable seat attachment adapters 84 described herein and may be coupled to the frame 81 (or corresponding seat attachment housings) in substantially the same manner as the removable seat attachment adapters 84, as discussed in more detail below. The second set of removable seat attachment adapters 89 can include at least two adapters (at least one along each left and right side of the stroller 80) for removably coupling and decoupling the first stroller seat 86 or any other form of seat described herein to the stroller frame 81 or corresponding seat attachment housing.

In one example embodiment, as shown in FIGS. 9-10, the stroller 80 can include one or more, and preferably two, seat support elements 84. The seat support element 84 is connected to and can be removably coupled to the stroller 80 front wheel support frame 81a. In certain example embodiments, the seat support element 84 is adjacent to the front wheel support portion 81a of frame 81. Alternatively, the seat support element 84 is simply forward of and positioned at a vertical level lower than the attachment point for the first

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stroller seat 86 (FIG. 8A) on the stroller 80. The seat support element 84 is capable of supporting a second stroller seat 85 in front of the stroller seat 86 (see FIG. 8A). This provides convenience and versatility to a user of the stroller 80. Seat support element 84 may be fixedly attached or removably attached to front wheel support portion 81a. In certain example embodiments, the front seat 85 may be positioned substantially over the front wheels 15 so the stroller 80 remains stable. Preferably, the seats 85, 86 should be positioned such that the center of gravity of the stroller 80 is between the front 15 and rear 14 wheels. If not an additional wheel may be placed on the attachment as previously described. The seat support element 84 can further include a seat connector 88. In one example, the seat connector 88 can be disposed along a top end of the seat support element 84. The example seat connector 88 may be a multipurpose general connector that allows different seats to be interchanged on the seat support element 84. Any style seat may be configured to connect to the seat connector 88, such as but not limited to, a stroller seat, a baby seat, a bassinet, a pram, a baby carrier, or a car seat, for example. As shown in FIG. 9, the seat support element 84 can also include a connector portion 21. The connector portion 21 is capable of connecting the seat attachment to the frame 81 via the attachment portion 17 and the slot 18.

In certain example embodiments, the connector portion 21 of the seat attachment 20 has a cylindrical or substantially cylindrical shape. The connector portion 21 may be inserted into a cylindrical or substantially cylindrical slot 18 of the attachment portion 17 of the stroller 80 of FIG. 9-10 to secure the seat attachment and convert the single stroller into a double stroller, as shown in FIG. 8A. The connector portion 21 may be of a solid or tubular construction and may be any cross-sectional shape including, but not limited to, circular, polygonal, square, rectangular, and triangular, for example.

FIG. 11 is a partial perspective view of the stroller 80 showing a seat attachment housing 1105 according to one example embodiment of the disclosure. Referring now to FIGS. 8A and 11, the example stroller 80 can include a first seat attachment housing 1105 and the second seat attachment housing 1110. The first seat attachment housing 1105 can include a first end 1105a having a cavity for slidably receiving and fixedly or slidably coupling the first end 1105a to a first end of the left front wheel support frame 81a. For example, the left front wheel support frame 81a can have a substantially circular or oval cross-section and the cavity of the first end 1105a can have a corresponding circular or oval cross-section to slidably receive a portion of the left front wheel support frame 81a into the cavity. In one example, the left front wheel support frame 81a can be held in the cavity of the first end 1105a by a press fit hold. Alternatively, a spring-loaded button on the left front wheel support frame 81a can be positioned into a corresponding opening along one of the sides of the first seat attachment housing 1105.

The first seat attachment housing 1105 can also include a second end 1105b that includes a second cavity for coupling one of the front wheels 82 to the first seat attachment housing 1105. The wheel 82 may be removably coupled to the second end 1105b of the first seat attachment housing 1105 by a press fit hold. Alternatively, a spring-loaded button 82a on the front wheel apparatus 82 can be positioned into the cavity of the second end 1105b and positioned into a corresponding opening 1115 along one of the sides of the first seat attachment housing 1105. In one example embodiment, the first seat attachment housing 1105 can include an attachment arm 1120 extending off of one side of the first

See *e.g.*, EX1007, '305 CIP, 11:1-12:67

139. The additional disclosure of this and other material within the '305 CIP is relevant to certain patents and claims I have reviewed and been asked to provide opinions about.

140. Modified Embodiment A of the '305 CIP did not further describe the subcomponents of the frame and continued to merely explain that the stroller 10

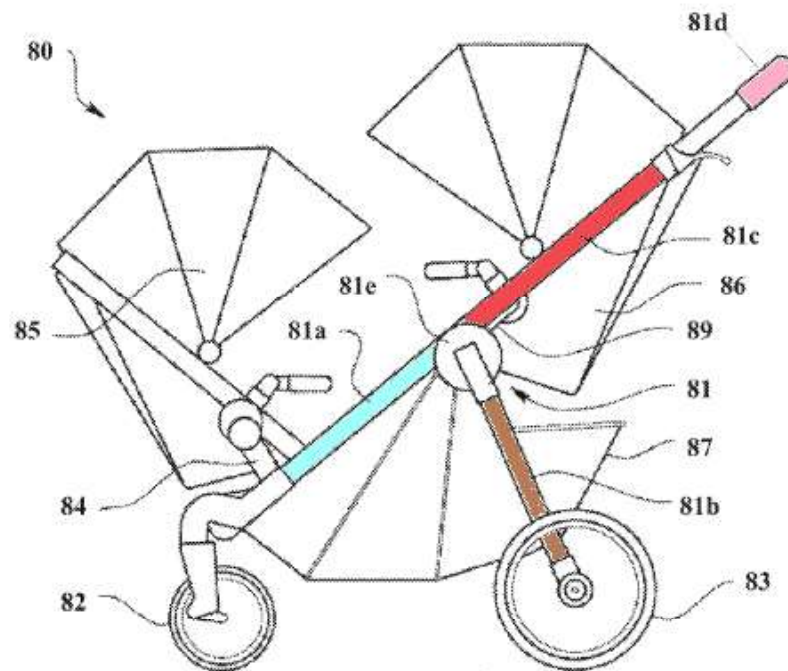
had a frame 12 and folding mechanism 16. (EX1007, '305 CIP, 4:10-48.)

141. Figure 8A of the '305 CIP corresponds to Figure 1 of the Second Provisional, albeit with different reference numerals. (See e.g., EX1006, Second Provisional, Fig. 1A.) In the embodiment of Figure 8A, the stroller 80 has a frame 81. The frame 81 has a pair of front wheel support frames 81*a* (red), a pair of back wheel support frames 81*b* (blue), a pair of upper tube support frames 81*c* (green), and a handle portion 81*d* (yellow) having a first end coupled to the left upper tube support frame 81*c* and a distal second end coupled to the right upper tube support frame 81*c*<sup>18</sup>. (EX1007, '305 CIP, 8:63-9:4.)

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<sup>18</sup> This description matches the Second Provisional and the exact start and end of the handle portion 81*c* was not clarified in the '305 CIP.





'305 CIP, Fig. 8A (Annotated)

In one example embodiment, the stroller frame 81 can include a pair of front wheel support portion 81a, a frames 81a (only the left front wheel support frame is shown), a pair of back wheel support portion frames 81b, and a (only the left back wheel support frame is shown), a pair of upper tube support frames 81c (only the left upper tube support frame is shown), a handle portion 81c. The frame 81 of the embodiment of the stroller 80 further comprises a 81d having a first end coupled to the left upper tube support frame 81c and a distal second end coupled to the right upper tube support frame 81c, and foot rest support frame 81f

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### EX1046, Comparison, 15

142. The '305 CIP also included a new description that the handle portion 81c could be a unitary piece with the upper tube support frames 81c or all three components could be separate<sup>19</sup>.

<sup>19</sup> This was first introduced in the Second Provisional. (EX1006, 8).

Further, in certain example embodiments, the **left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c** can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the **left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c** can be separate pieces of the same or different material that are coupled to one another.

(EX1007, '305 CIP, 9:14-22.)

1110 discussed below in Figure 11). In certain example embodiments, each front wheel support frame 81a can be fixedly coupled or rotatably coupled to its corresponding upper tube support frame 81c. Further, in certain example embodiments, the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces of the same or different material that are coupled to one another.

#### EX1046, Comparison, 16

143. In changing the subcomponents of the frame 80, the '305 CIP introduced two new components, the right and left upper tube support frames 81c (green) and modified the handle portion. In the new embodiment C, each side of the frame 80 includes a pair of upper (81c) and lower (81a) tubes, that pivotally connect to each other by the folding mechanism 81e.

In one example, each **folding mechanism 81e** can be coupled, either directly or indirectly **to the corresponding front wheel support frame 81a, back wheel support frame 81b, and upper tube**

**support frame 81c** on the corresponding side (left and right) of the stroller 80.

(EX1007, '305 CIP, 9:25-29.)

144. This differs from the old, deleted embodiments where the handle portion 81c was coupled directly to the folding mechanism 81d because the frame did not include upper tube support frames. (EX1003, First Non-Provisional, ¶0043.)

145. The '305 CIP also included the definitions first introduced in the Second Provisional. (EX1007, '305 CIP, 3:23-55.)

#### **F. The '543 Patent**

146. On March 6, 2018, Patent Owner filed US Application 15/912,901, which matured into U.S. Patent No. 10,730,543. (EX1008, “the '543 Patent, Cover.) The '543 Patent was a continuation of the '305 Patent and claimed priority back to the First Provisional Application. (EX1008, “the '543 Patent, Cover-1.)

147. The as-filed specification of the '543 Patent is substantially the same as the '305 Patent. The as-filed drawings of the '543 Patent are the same as the '305 Patent except for Figure 14C. (Compare EX1008, the '543 Patent, Figs. 1-14 with EX1021, the '305 CIP Certified File History, 73.)

148. With regards to Figure 8A, the as-filed specification in the '543 Patent is the same as the '305 CIP specification and continues to refer to the handle

portion with its new reference number 81d. (*see* EX1007, Fig. 8A and EX1008, Fig. 8A.)

149. During prosecution of the '543 Patent, the Examiner objected to the application for not clearly delineating the start and end of the handle portion 81d. (EX1018, '543 File History, 538-539.) In response, the Patent Owner added new callouts 77a, 77b, 79a, and 79b to Figure 8A and added new description to the specification. (EX1018, '543 File History, 636, 639.)

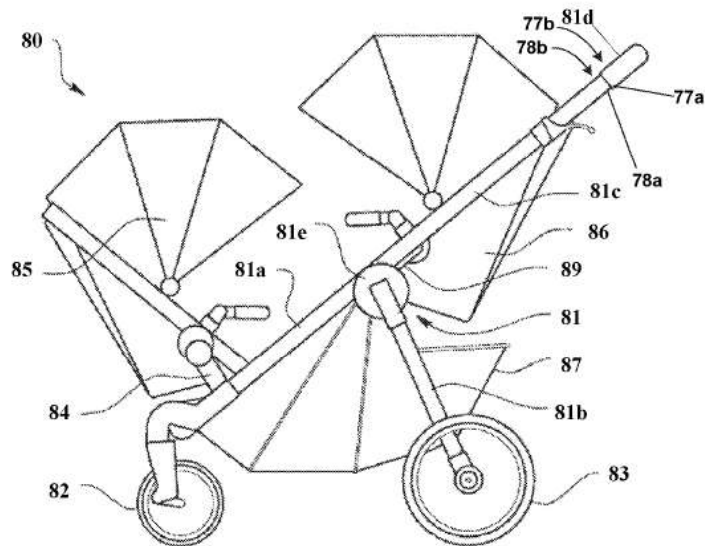
**Please amend the first full paragraph beginning on page 12 of the specification that begins “In one example embodiment, the stroller frame 81 can include a pair of front wheel support frames” as follows.**

In one example embodiment, the stroller frame 81 can include a pair of front wheel support frames 81a (only the left front wheel support frame is shown), a pair of back wheel support frames 81b (only the left back wheel support frame is shown), a pair of upper tube support frames 81c (only the left upper tube support frame is shown), a handle portion 81d having a first end 77a coupled to the end 79a of the left upper tube support frame 81c and a distal second end 77b (only the first end 77a of the handle portion 81d is shown) coupled to the end 79b of the right upper tube support frame 81c (only the left upper tube support frame is shown), and foot rest support frame 81f having a first end coupled to the left front wheel support frame 81a (either directly or via the first

**EX1018, '543 File History, 639**

U.S. Patent App. No. 15/912,901

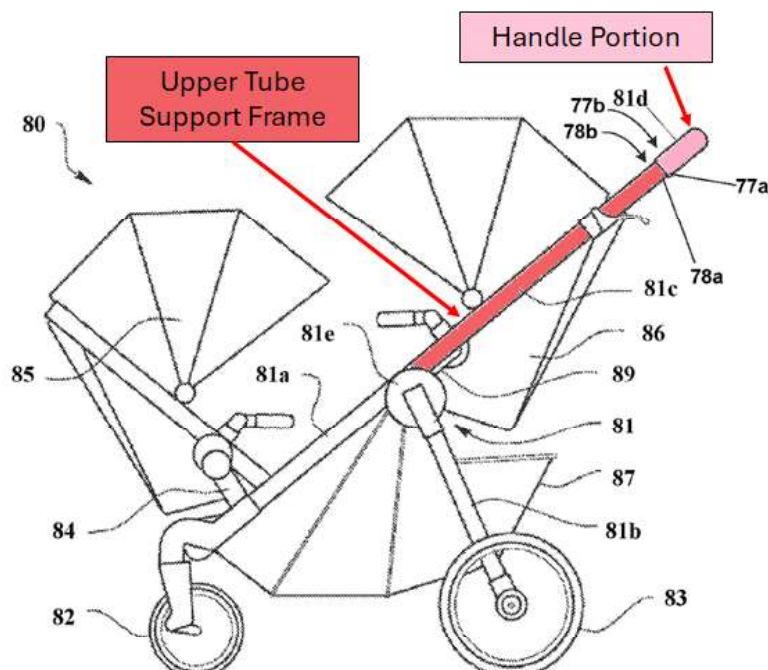
REPLACEMENT SHEET



**FIGURE 8A**

**EX1018, 636**

150. The new reference numerals and text specified exactly where the handle portion starts and ends. Specifically, handle portion 81d (pink) starts at the first end 77a coupled to the upper end 79a of the left upper tube 81c and ends at the second end 77b coupled to the right upper tube 81c. This eliminated the ambiguity I discussed above.



**EX1018, '543 File History, 636, Fig. 8A (added August 2, 2019) (Annotated)**

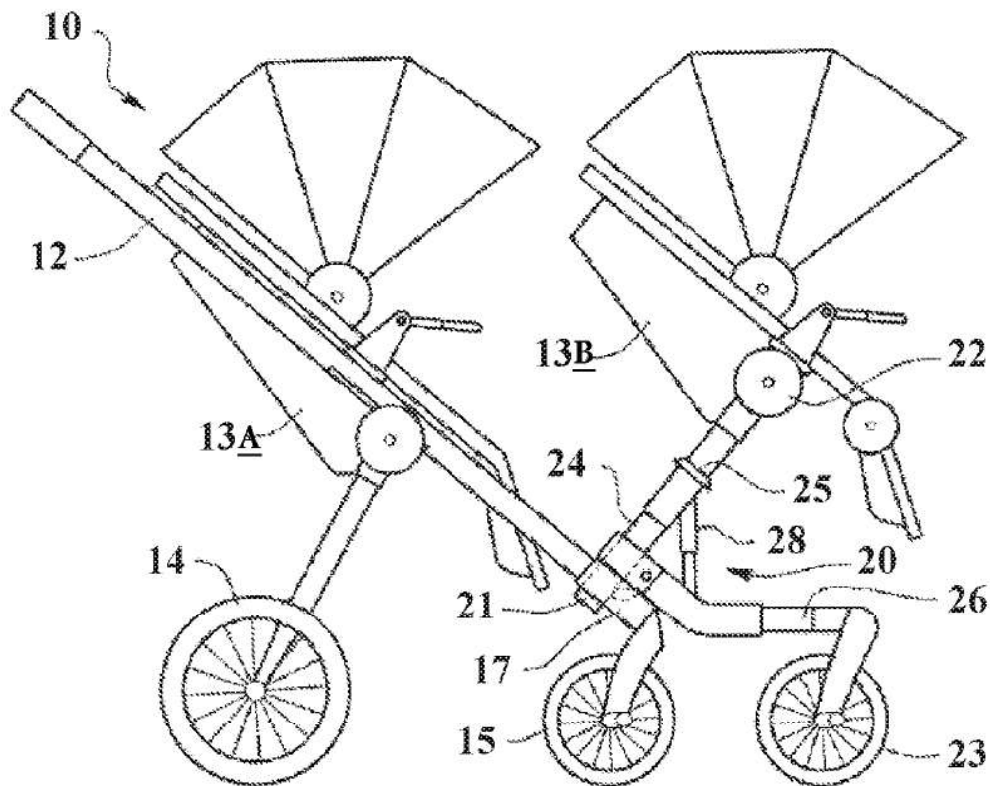
### **G. The '682 Patent**

151. On June 16, 2020, the '682 Patent was filed as application 16/903,292, which matured into U.S. Patent No. 11,731,682. (EX1010, "the '682, Cover.") The '682 Patent is a direct continuation of U.S. Pat. No. 10,730,543 (EX1008) which is a continuation of the '305 CIP (EX1007). The earliest claimed priority date is the December 4, 2008 (EX1002, First Provisional).

152. The as-filed specification of the '682 Patent is substantially the same as the '543 Patent. The as-filed drawings of the '682 Patent are the same as the '543 Patent except for Figure 14C. (Compare EX1008, the '543 Patent, Figs. 1-14 with EX1020, the '682 Certified File History, 79.)

153. During Prosecution of the '682 Patent the examiner objected to the

drawing for not showing every feature specified in the claims. (EX1020, '682 File History, 194-196.) For example, Applicant amended figures to include 13A and 13B to delineate the first seat (13A) and the second seat (13B). (EX1020, '682 File History, 315-316.)



**FIGURE 3**

EX1020, '682 File History, 315-316

## H. The '771 Patent

### 1. File History

154. On July 28, 2022, Patent Owner filed Application No. 17/876,492 ('771 Application"), which matured into the '771 Patent. (EX1011.) The '771

Patent is a great grandchild of the '305 CIP (EX1007) and claims priority to the First Provisional and the Second Provisional.

155. I understand Patent Owner filed an application with thirty (30) claims, three (3) of which were independent<sup>20</sup>.

**a. Handle Portion**

156. The following discussion of the file history is relevant to the claimed “handle portion” of claim 1 of the '771 Patent.

157. The as-filed drawings in the '771 Patent are the same as the drawings that issued in '543 Patent. (EX1021, '771 File History, 56-73; EX1008, '543 Patent, Drawings.) That is, Figure 8A of the '771 Patent shows the reference numerals 77a (first end of handle portion), 77b (second end of handle portion), 78a (end of the right upper tube 81c), and 78b (end of left upper tube 81c). (EX1011, Fig. 8A.)

158. However, other than the drawings, the '771 specification does not reference to 77a, 77b, 78a, or 78b. The specification, however, incorporates the

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<sup>20</sup> I understand the Patent Office issued a restriction requirement and Patent Owner elected species F (Figs. 8A-8H), including claims 1–4 and 13–15, which I understand to mean only claims 1–4 and 13–15 were examined during prosecution. (EX1021, 241-242, 450.)



'543 Patent by reference. (EX1011, '771 Patent, 1:6-10, 1:23-24.) I understand this to mean the contents of the '543 Patent—including the description of the callouts to 77a, 77b, 78a, or 78b—are included in the specification of the '771. Therefore, I understand the callouts shown in Fig. 8A of the '771 Patent as follows: 77a is the first end of handle portion; 77b is the second end of handle portion; 78a is the end of the right upper tube 81c; and 78b is the end of left upper tube 81c).

**b. Substantially within a plane**

159. The following discussion of the file history is relevant to the claimed “substantially within a plane” of claim 1 of the '771 Patent.

160. Original claim 1, recited, in part, “substantially within a single plane.”

a frame supported by the wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a single plane and wherein the plane runs diagonally downwards from the handle portion towards the front end portion of the frame;

**EX1021, '771 File History, 36**

161. The term “plane” is only found in the claims and is not in the written description. The term “plane” is also not found in any of the parent applications incorporated by reference.

162. The Examiner rejected “substantially within a single plane” as indefinite.

AIA the applicant regards as the invention. The claims recite the limitations:

"substantially within a single plane" (Claim 1) and "substantially over" (Claim 3/4), which render the claims indefinite, since the term is a relative term. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Since no tolerances have been defined by the specification or claims, it's impossible to determine what range has been actually claimed, thus rendering the scope of the claim(s) not clearly defined. Appropriate

### **EX1021, '771 File History, 247-248**

163. In response to the indefiniteness rejection, Patent Owner amended claim 1 as follows:

a frame supported by ~~the wheels~~ the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a single plane and wherein the plane that runs diagonally downwards from the handle portion towards the front end portion of the frame;

### **EX1021, '771 File History, 445**

164. Patent Owner did not make any remarks regarding the "substantially within a plane" claim limitation despite remarking on the Examiner's other § 112 rejections.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-4 and 13-15 are rejected under 35 U.S.C. § 112(b) as allegedly being indefinite.

This rejection is traversed for at least the following reasons.

Regarding “configured to couple,” “configured to receive,” “without changing its footprint,” and “at least two rear wheels” in claim 1, Applicant submits the issues are moot in view of the present amendments made solely to compact prosecution.

Regarding “substantially over” in claims 3-4, Applicant respectfully submits that the plain meaning of the word to one having skill in the art is sufficient to render the claim language definite. Reconsideration is respectfully requested.

**EX1021, '771 File History, 451**

165. I understand the Examiner then issued a Notice of Allowance in which Claims 1–15 were allowed and Claims 16–30 were canceled. (EX1021, '771 File History, 465.)

5. The application has been amended as follows:

***In the Claims:***

Cancel Claims 16-30.

6. Claims 1-15 are allowed.

7. The following is an examiner's statement of reasons for allowance: The prior art of record when taken alone or in combination with another does not teach or fairly suggest at this time at least, among other limitations: A stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint, comprising: two rear wheels; only two front wheels; a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within ***a plane that runs diagonally from the handle portion towards the front end portion of the frame; a first seat releasably connected to the frame at a first vertical position that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration;*** and wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising: ***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, and wherein the second vertical position is closer to the front end portion than the handle portion; and a second seat connectable to the right and left seat attachments in either a forward or backward facing position; wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame,*** as claimed in Claim 1 (emphasis added to allowable limitations not suggested or taught by the prior art).

**EX1021, '771 File History, 465**

**VI. Claim Construction**

166. I understand that in proceedings at the Patent Trial and Appeal Board, claims are construed under the "*Phillips* standard." I understand that this means the

claims are construed in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art (“POSITA”) in light of the specification and prosecution history of the patent. I understand that this is the same claim construction standard employed in district courts.

167. I understand that intrinsic evidence is the primary means by which claim terms are interpreted. The intrinsic evidence includes the claims themselves, the specification of the patent in which the claims appear, and the prosecution history of the patent.

168. I understand that a patentee may give a special definition to a claim term that differs from the normal meaning of the term. If the patent specification sets out an uncommon definition that would give one of ordinary skill in the art notice of the change in meaning, the specification’s definition governs the construction of that term.

169. I understand that extrinsic evidence, such as expert and inventor testimony, dictionaries, and learned treatises, can also inform the meaning of a claim term. However, extrinsic evidence is less significant than the intrinsic evidence in determining the meaning of a claim term. Further, I understand that extrinsic evidence cannot be used to vary, contradict, expand, or limit the claim language from how it is defined, even by implication, in the specification or file history.

**A. “Handle Portion”**

170. The term “handle portion” is recited in all claims of the ’771 Patent.

As an example, independent claim 1 requires:

a frame supported by the front and rear wheels and comprising *a handle portion* and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;

(EX1011, ’771 Patent, 17:15-22).

171. In my opinion, “handle portion” should be construed as the “portion of frame coupled to the upper ends of the left and right upper tube support frame.”

172. This construction is supported by the language of claim 1, which requires that the “left and right foldable support members extend[] from the handle portion towards a front end portion of the frame[.]”

173. The ’771 specification further supports this construction. As illustrated in Figure 8A below, the handle portion (81*d* in pink) is the part of the frame (81) coupled to the left and right upper tube support members (81*c* in red) extending toward the front end portion of the frame.

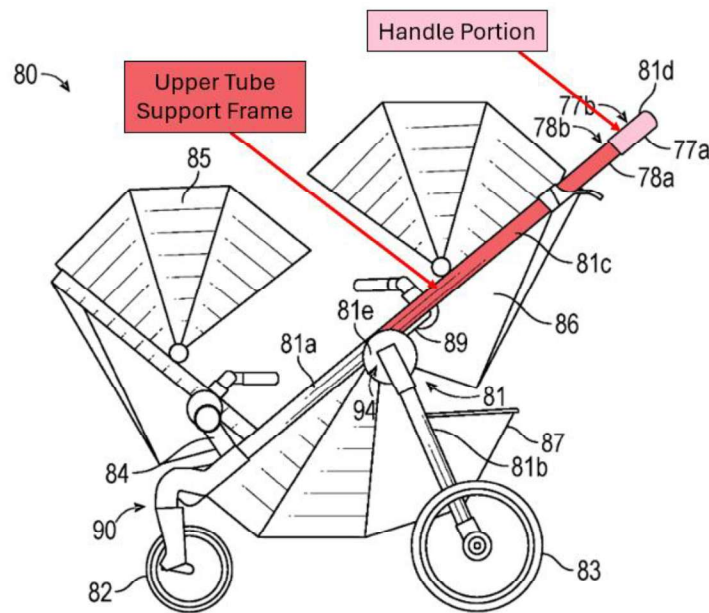


FIG. 8A

**EX1011, '771 Patent, Fig. 8A (Annotated)**

174. The specification describes the portion of the left and right foldable support members coupled to the handle portion (81d) as the left and right “upper tube support frame[s] (81c).”

the stroller frame 81 can include ... a pair of upper tube support frames **81c** (only the left upper tube support frame is shown), a handle portion **81d** having a first end coupled to the left upper tube support frame **81c** and a distal second end coupled to the right upper tube support frame **81c**].

(EX1011, '771 Patent, 8:63-9:04).

175. Similarly, the specification of the '543 Patent—incorporated by reference into the '771 Patent (EX1011, '771 Patent, 1:6-10, 1:23-24)—further

states the “handle portion 81*d* ... is coupled” to the upper ends of the “upper tube support frame[s.]” (EX1008, 9:1-3; see also 8:63-9:23.)

176. During prosecution of the ’543 Patent (to which the ’771 Patent claims priority), the Patent Owner requested an amendment to the specification to expressly describe what is the “handle portion.”

**Please amend the first full paragraph beginning on page 12 of the specification that begins “In one example embodiment, the stroller frame 81 can include a pair of front wheel support frames” as follows.**

In one example embodiment, the stroller frame 81 can include a pair of front wheel support frames 81*a* (only the left front wheel support frame is shown), a pair of back wheel support frames 81*b* (only the left back wheel support frame is shown), a pair of upper tube support frames 81*c* (only the left upper tube support frame is shown), a handle portion 81*d* having a first end 77*a* coupled to the end 79*a* of the left upper tube support frame 81*c* and a distal second end 77*b* (only the first end 77*a* of the handle portion 81*d* is shown) coupled to the end 79*b* of the right upper tube support frame 81*c* (only the left upper tube support frame is shown), and foot rest support frame 81*f* having a first end coupled to the left front wheel support frame 81*a* (either directly or via the first

### **EX1018, ’543 File History, 639**

177. Although the ’771 Patent is a continuation of the earlier ’543 Patent, I note it does not appear to include all the changes which had been made to the specification. I understand from counsel the changes made to the specification should have been carried over into the ’771 Patent specification. Nevertheless, the language I have emphasized below still supports my construction.

In one example embodiment, the stroller frame 81 can include a pair of front wheel support frames 81*a* (only the left front wheel support frame is shown), a pair of back wheel support frames 81*b* (only the



left back wheel support frame is shown), a pair of upper tube support frames 81c (only the left upper tube support frame is shown), ***a handle portion 81d having a first end coupled to the left upper tube support frame 81c and a distal second end coupled to the right upper tube support frame 81c***, and foot rest support frame 81f having a first end coupled to the left front wheel support frame 81a (either directly or via the first seat attachment housing 1105 discussed below in Fig. 11) and a distal second end coupled to the right front wheel support frame 81a (either directly or via the second seat attachment housing 1110 discussed below in Fig. 11). In certain example embodiments, each front wheel support frame 81a can be fixedly coupled or rotatably coupled to its corresponding upper tube support frame 81c. Further, in certain example embodiments, the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces of the same or different material that are coupled to one another.

(EX1010, '682 Patent, 8:62-9:21.)

178. Finally, I am informed that the Patent Owner agrees with this construction, asserting that the “plain and ordinary meaning” of “handle portion” is “portion of frame coupled to the left and right upper tube support frame.”

**C. “Handle portion” (’231 Patent claim 1; ’729 Patent, claim 1)**

<b>Baby Jogger’s Proposed Construction</b>	<b>UPPAbaby’s Proposed Construction</b>
Does not require construction. Alternatively, plain and ordinary meaning, which is “portion of frame coupled to the left and right upper tube support frame”	Lateral frame portion that is grasped when pushing the stroller.

**EX1055, Baby Jogger Opening Claim Construction Brief, 14**

**B. Priority of the ’771 Patent**

179. It is my understanding that the Patent Owner alleges a priority date of December 4, 2008 for the ’771 Patent based on the filing of the First Provisional.

180. It is also my understanding that Petitioners are disputing Patent Owner’s priority claim for claims 1–15.

181. I have therefore been asked to opine whether claims 1–15 of the ’771 Patent are entitled to the claimed December 4, 2008 date of the First Provisional or a later date.

182. It is my understanding that this review must be assessed from the perspective of a POSITA. I also understand that the test for determining if there is priority on a certain date is whether a POSITA would have understood that the inventors were in possession of the claimed invention at that time.

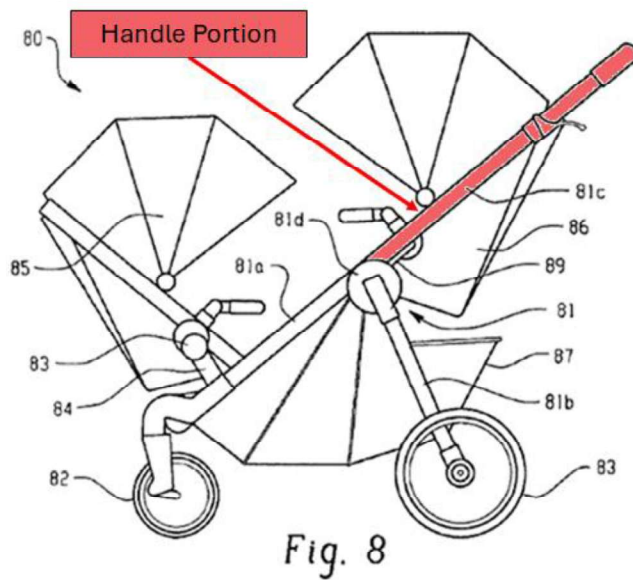
183. I therefore provide my analysis of certain claim limitations recited within the ’771 Patent that I do not believe are supported by the 2008 First Provisional or the First Non-Provisional filed in December 2009.

**1. “handle portion”**

184. All claims of the '771 Patent require a “handle portion.” As discussed above in § VII.A, the “handle portion” should be construed as the “portion of frame coupled to the left and right upper tube support frame.”

185. Prior to the filing of the Second Provisional, all the applications in the patent family (the First Provisional, the First Non-Provisional, and the '869 Patent) disclosed a “handle portion” that was structurally different from the “handle portion” claimed in the '771 Patent. (EX1002, First Provisional, 42, ¶0033 and Fig. 8; EX1003, First Non-Provisional, ¶0043 and Fig. 8; EX1004, '869 Patent, 8:49-63 and Fig. 8.)

186. These prior applications did not disclose a handle portion that was coupled to the upper tube support frame. Indeed, none of these applications disclosed an upper tube support frame. Instead, they disclosed a “handle portion” (red in Fig. 8 below) that was the entire portion of the frame above the “folding mechanism 81d.”

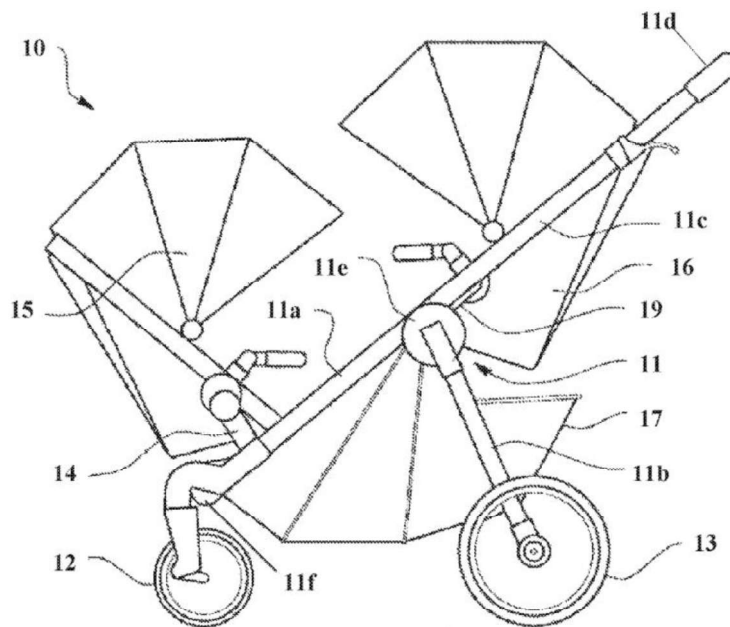


ment. Stroller 80 comprises a frame 81 capable of supporting the stroller seat 86. In this embodiment, the frame 81 comprises a front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The frame 81 of the embodiment of the stroller 80 further comprises a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. The folding mechanism 81d allows the stroller to be folded in a more compact size for storing or transportation. FIG. 8A shows stroller 80 in a folded configuration.

### EX1003, Fig. 8 (Annotated) and ¶0043

187. In 2016, in the Second Provisional, the Patent Owner redefined the stroller frame structure to include: (1) “front wheel support frames 11a;” (2) “back wheel support frames 11b;” (3) “upper tube support frames 11c;” and (4) “handle portion 11d.” The redefined “handle portion 11d” was stated as being coupled to each end of the “upper tube support frames 11c.” The Second Provisional (March 21, 2016) was the first disclosure of an embodiment in which the handle portion was coupled to an upper tube support frame. (See EX1002, First Provisional, 42, ¶0033 and Fig. 8; EX1003, First Non-Provisional, ¶0043 and Fig. 8; EX1004, ’869 Patent, 8:49-63 and Fig. 8.)

**EX1006, Second Provisional, 8**



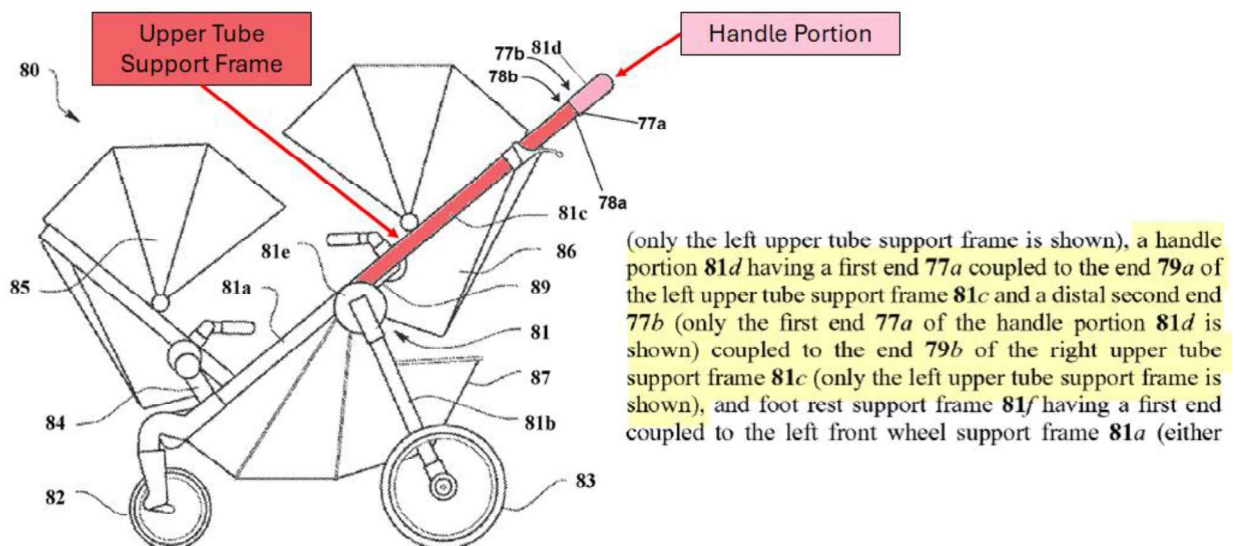
**EX1006, Second Provisional, 24, Fig. 1A**

## EVENFLO EX1001

Further, in certain example embodiments, the **left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece** of material, such as a single piece of bent, hollow-core metal or plastic tubing. **Alternatively, each of the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces** of the same or different material that are coupled to one another.

(EX1007, '305 CIP, 9:14-22.) It is my understanding the Patent Owner was not obligated to make such extensive revisions to the '305 CIP.

189. In to an objection from the Examiner in the subsequent '543 Patent, the Patent Owner then added further detail regarding where the handle portion starts and ends, and stated it could be coupled to the upper tube support frames. (EX1018, '543 File History, 636, 639.) These changes became part of the '543 Patent as issued.



EX1008, Fig. 8A (Annotated), 9:1-7

190. In addition to redefining the boundaries of the “handle portion,” when the ’305 CIP was filed, the Patent Owner also incorporated new material reflecting how the “handle portion” is incorporated into the frame—stating it could be formed as a part of the “upper tube support frame 81c” or it could be “separate pieces ... that are coupled to one another.” I have included both the ’305 CIP and the ’543 Patent below to illustrate the further refinement of how the “handle portion” was defined.

[A] handle portion 81d having a first end coupled to the left upper tube support frame 81c and a distal second end coupled to the right upper tube support frame 81c[.] ... Further, in certain example embodiments, the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece of material, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, each of the left

**upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces** of the same or different material that are **coupled to one another**.

(EX1007, '305 CIP, 9:1-22.)

[A] handle portion 81d having a first end 77a coupled to the end 79a of the left upper tube support frame 81c and a distal second end 77b (only the first end 77a of the handle portion 81d is shown) coupled to the end 79b of the right upper tube support frame 81c (only the left upper tube support frame is shown)[.] ... Further, in certain example embodiments, **the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be made from a single unitary piece of material**, such as a single piece of bent, hollow-core metal or plastic tubing. Alternatively, **each of the left upper tube support frame 81c, handle 81d, and right upper tube support frame 81c can be separate pieces** of the same or different material that are **coupled to one another**.

(EX1008, '543 Patent, 9:1-23.)

191. This new disclosure about the “handle portion” being a single unitary piece with the right/left “upper tube support frames” or “separate pieces” that are “coupled” was first disclosed in the 2016 Second Provisional. (EX1006, Second Provisional, 8.)

192. The redefined start/stop locations of the “handle portion” are crucial to a POSITA’s understanding of the recited ’771 claims because the claims include



limitations requiring analysis of distances to the handle portion. For example, claim 1 of the '771 Patent recites the “first seat releasably connected to the frame at a first vertical position that is *closer to the handle portion than the front end portion*[.]” To understand whether the claimed connection is closer to the “handle portion” or “front end,” a POSITA would need to understand the boundaries of the “handle portion” and would look to the specification for guidance. Significantly, however, the distance from the connection to the “handle portion” as determined from reviewing the First Provisional would be different from the distance determined from reviewing the 2016 Second Provisional—given the new meaning and disclosure provided in the 2016 Second Provisional.

193. In addition, claim 13 (and dependent claims 14-15) recite. A POSITA evaluating this claim would readily understand claim 13 to be the “handle portion” as redefined in the post-2016 '305 CIP and further clarified in the '543 Patent. Significantly, there was no “upper portion of the ... foldable members ... adjacent the handle portion” disclosed prior to the Second Provisional.

a folding mechanism dividing the left and right foldable members into upper and lower portions, wherein the upper portion of the left and right foldable members is adjacent the handle portion and wherein the lower portion of the left and right foldable members is adjacent to the front end portion.

(EX1011, '771 Patent, claim 13.)

194. Given the extensive modifications, additions and new inventors, a POSITA reviewing the '305 CIP would understand the disclosure of the First Non-Provisional (and First Provisional) do not convey sufficient disclosure to support that Mr. Zehfuss was fully in possession of subject matter claimed by the '771 Patent.

195. Because I believe a POSITA would find the pre-'305 CIP specifications do not support the claim limitations of the '771 Patent, it is my understanding the claims cannot claim a priority date of 2008. It is my understanding the Patent Owner is not entitled to the 2008 priority date of the First Provisional for the '771 Patent claims, as they were not in possession of the claimed invention in 2008.

196. It is my opinion a POSITA would find the '771 claims are only first supported by the Second Provisional (which includes the three new inventors) and additional revisions that first appear only in the '305 CIP.

197. Therefore, the first disclosure in the patent family that provided support for a handle portion coupled to upper tube support frames was in the March 21, 2016 Second Provisional. As such, in my opinion, the earliest priority date to which the '771 Patent claims are entitled is March 21, 2016. Thus, even if the '771 Patent claims are not held to the July 28, 2022 filing date for priority (see priority analysis below for “substantially within a plane”), the earliest priority date

would be March 21, 2016.

**2. “substantially within a plane”**

198. All claims of the '771 Patent require “foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame[.]” (EX1011, claim 1; see also claims 2-15.)

199. I understand there are six (6) priority applications that could conceivably provide support for this claim limitation: (1) the First Provisional; (2) the First Non-Provisional Application; (3) the '869 Application; (4) the Second Provisional; (5) the '305 CIP; and (6) the '771 Application. I examine each of these disclosures below to determine whether they support the claims of the '771 Patent.

200. It is my opinion that the first application providing support for the '771 Patent claims is the '771 Application. As such, the priority date for the '771 Patent claims is the July 28, 2022 filing date of the '771 Application.

**a. First Provisional**

201. The First Provisional, filed December 4, 2008 (EX1002, 1), does not provide support for foldable support members “substantially within a plane that runs diagonally from the handle portion toward the front end portion.”

202. The First Provisional does not expressly disclose “foldable support

members.” However, it does discuss a stroller 10 having a frame 12 described as having folding mechanisms 16.

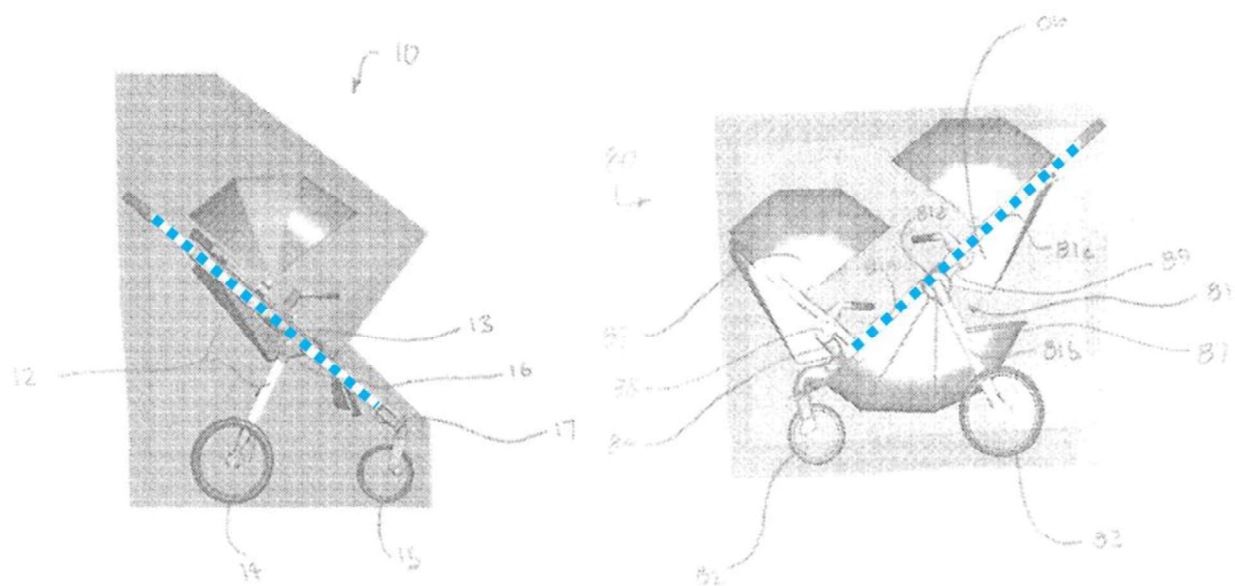
The single stroller 10 comprises a frame 12 that supports seat 13. The frame 12 may, optionally, include a folding mechanism 16 that allows the stroller 10 to be folded to a more convenient size for storing or transporting the stroller 10.

(EX1002, First Provisional, 37.)

203. Similarly, it discusses another embodiment of a “frame” comprising “a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c.” (EX1002, First Provisional, 42.)

204. Nowhere 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.

205. The Figures of the First Provisional depict the frame (12 or 81) in a *strictly* planar relationship, with the plane (indicated by a purple line) running diagonally from the top of the handle portion toward the front end.



**EX1002, First Provisional, Figs. 1 and 8 (Annotated)**

206. None of these figures disclose anything other than a strictly planar relationship. A POSITA would not find these disclosures show the Patent Owner was in possession of foldable support members that are substantially planar.

207. As such, the First Provisional does not provide support for the limitation “foldable support members extending in a parallel spaced relationship and **substantially within a plane** that runs diagonally from the handle portion toward the front end portion.” Therefore, the ’771 Patent claims are not entitled to the December 4, 2008 priority date of the First Provisional.

**b. First Non-Provisional**

208. The First Non-Provisional does not provide support for foldable support members “substantially within a plane that runs diagonally from the handle portion toward the front end portion.”

209. The First Non-Provisional, filed December 4, 2009 (EX1003, Cover), does not expressly disclose “foldable support members.” However, it does discuss a stroller having a frame (12 and 81) that can be folded by a pair of folding mechanisms.

A side view of an embodiment a single stroller 10 is shown in FIG. 1. As a note, FIG. 1 shows only one side of the single stroller 10, however, most components include a complementary component on the other side of the single stroller but are not shown in FIG. 1. The single stroller 10 comprises a frame 12 that supports seat 13. **The frame 12 may, optionally, include at least one, preferably two, folding mechanism 16 that allows the stroller 10 to be folded to a more convenient size for storing or transporting the stroller 10.**

(EX1003, First Non-Provisional, ¶0028.)

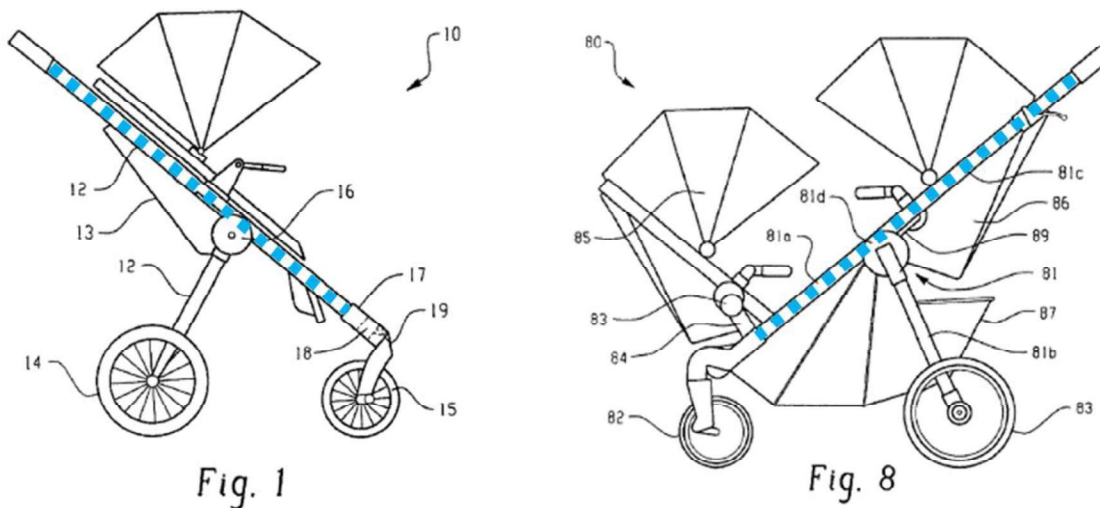
A further embodiment of the stroller 80 is shown in FIG. 8. Stroller 80 may be easily converted from a single stroller comprising one seat to a double stroller comprising two seats without addition of another wheel on the attachment. Stroller 80 comprises a frame 81 capable of supporting the stroller seat 86. In this embodiment, the frame 81 comprises a front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c. **The frame 81 of the embodiment of the stroller 80 further comprises a folding mechanism 81d that connects front wheel support portion 81a, a back wheel support portion 81b, and a handle portion 81c.** The folding mechanism 81d allows the stroller to be folded in a more

compact size for storing or transportation. Fig. 8A shows stroller 80 in a folded configuration.

(EX1003, First Non-Provisional, ¶0043.)

210. Nowhere in the First Non-Provisional do the terms “plane” or “planar” appear. The First Non-Provisional does not disclose or describe a substantially planar relationship.

211. Instead, the Figures of the First Non-Provisional depict the frame (12 or 81) in a **strictly** planar relationship that that runs diagonally from the top of the handle portion toward the front end portion. See, e.g., Figs. 1 and 8 below with purple lines showing a plane.



**EX1003, First Non-Provisional, Figs. 1 and 8 (Annotated)**

212. None of these figures disclose anything other than a strictly planar relationship. Thus, these disclosures cannot be used to show that the Patent Owner was in possession of foldable support members that are substantially planar. As

such, the First Non-Provisional does not provide support for the limitation “foldable support members extending in a parallel spaced relationship and **substantially within a plane** that runs diagonally from the handle portion toward the front end portion.” Thus, the ’771 Patent claims are not entitled to the December 4, 2009 priority date of the First Non-Provisional.

**c. ’869 Application**

213. The ’869 Application does not provide support for foldable support members “substantially within a plane that runs diagonally from the handle portion toward the front end portion.”

214. The only difference between the ’869 Application filed April 25, 2014 (EX1004, Cover), and the First Non-Provisional, is the addition of two new Figures (10 and 11). However, only Figure 10<sup>21</sup> depicts a stroller with a frame. It is unclear from the figure whether any support members of the frame are foldable.

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<sup>21</sup> As I explained in my overview of the ’869 Patent in section V.C. above, the Examiner objected to these two drawings when first introduced by Patent Owner as not being representative of the embodiment shown by Figures 1-3, *i.e.*, Embodiment A. (EX1014, First Non-Provisional File History, 277-278.) The Patent Owner then added these figures when filing the ’869 Patent. It is my opinion Figures 10-11 of the ’869 Patent are not supported by the First Non-Provisional.



Notwithstanding, the frame and its support members are clearly curved and thus are not “planar,” and would not be understood as being “substantially within a plane.”

215. As such, the '869 Application does not provide support for the limitation “foldable support members extending in a parallel spaced relationship and **substantially within a plane** that runs diagonally from the handle portion toward the front end portion.” Thus, the '771 Patent claims are not entitled to the April 25, 2014 priority date of the '869 Application.

**d. 2016 Second Provisional**

216. The Second Provisional, filed March 21, 2016 (EX1006, 1), also does not provide support for foldable support members “substantially within a plane that runs diagonally from the handle portion toward the front end portion.”

217. The Second Provisional does not expressly disclose “foldable support members.” However, it does discuss a stroller having a frame (11) composed of one or more components that may or may not have folding mechanisms.

The exemplary stroller frame 11 can also include a pair of folding mechanisms 11e (only the left folding mechanism is shown). In one example, each **folding mechanism 11e can be coupled, either directly or indirectly to the corresponding front wheel support frame 11a, back wheel support frame 11b, and upper tube support frame 11c on the corresponding side (left and right) of the**

**stroller 10.** In certain example embodiments, one or more of the corresponding front wheel support frame 11a, back wheel support frame 11b, and upper tube support frame 11c are rotatably coupled and rotatably adjustable about one or more axes defined through the folding mechanism 11e. As such, in certain example embodiments, the folding mechanism 11e allows the stroller 10 to be folded into a more compact size for storing or transportation. Figure 1B shows the stroller 10 in a folded configuration.

(Ex 1006, Second Provisional, 8-9.)

218. However, like the previous applications, nowhere in the Second Provisional do the terms “plane” or “planar” appear.

219. Significantly, for the first time in the family, the terms “substantially,” “substantially parallel,” and “substantially constant” are expressly defined. However, the Second Provisional does not define “substantially in a plane” nor “substantially planar,” and nowhere does it disclose or describe anything about the claimed substantially planar relationship of the foldable support members.

In addition, certain relationships between dimensions of the adjustable stroller and between features of the adjustable stroller are described herein using the term “substantially.” As used herein, the terms “substantially” and “substantially equal” indicates that the equal relationship is not a strict relationship and does not exclude functionally similar variations therefrom. Unless context or the description indicates otherwise, the use of the term “substantially” or “substantially equal” in connection with two or more described dimensions indicates that the equal relationship between the dimensions includes variations that, using mathematical and industrial principles accepted in the art (*e.g.*, rounding, measurement or other systematic errors, manufacturing tolerances, etc.), would not vary the least significant digit of the dimensions. As used herein, the term “substantially constant” indicates that the constant relationship is not a strict relationship and does not exclude functionally similar variations therefrom. As used herein, the term “substantially parallel” indicates that the parallel relationship is not a strict relationship and does not exclude functionally similar variations therefrom.

### **EX1006, Second Provisional, 7-8**

220. Like the previous applications, the figures of the Second Provisional depict the frame (11) in a *strictly* planar relationship that runs diagonally from the top of the handle portion toward the front end portion. See, *e.g.* Fig. 1A below with plane shown by purple line.



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Therefore, the '771 Patent claims are not entitled to the March 21, 2016 priority date of the Second Provisional.

**e. '305 CIP**

222. The '305 CIP does not provide support for foldable support members “substantially within a plane that runs diagonally from the handle portion toward the front end portion.” As discussed herein, the '305 CIP includes a substantial re-write of the specification and adds the three new inventors from the 2016 Second Provisional. Again, Mr. Zehfuss was not listed as an inventor on the 2016 Second Provisional.

223. The '305 CIP, filed August 1, 2016 (EX1007, Cover), does not expressly disclose “foldable support members.” However, it does discuss a stroller having a frame (12 and 81) composed of one or more components that may or may not have folding mechanisms.

FIG. 1 presents a side elevation view of a single stroller apparatus 10 according to one example embodiment of the disclosure. Referring to FIG. 1, it shows only one side of the single stroller 10, however, most components include a complementary component on the other side of the single stroller but are not shown in FIG. 1. The example single stroller 10 includes a frame 12 that supports a seat 13. **The frame 12 may optionally include at least one, and in certain embodiments preferably two, folding mechanisms 16 that allow the stroller 10**

**to be folded to a more convenient size for storing or transporting the stroller 10.**

(EX1007, '305 CIP, 4:10-20.)

224. Like the previous applications, nowhere in the '305 CIP do the terms “plane” or “planar” appear.

225. The '305 CIP incorporates the “substantially,” “substantially parallel,” and “substantially constant” definitions from the Second Provisional. (EX1007, '305 CIP, 3:35-55.) However, the '315 CIP does not define “substantially in a plane” nor “substantially planar,” and nowhere does it disclose or describe anything about the claimed substantially planar relationship.

226. All figures of the '305 CIP depict the frame (12 and 81) solely in a *strictly* planar relationship that “runs diagonally from the handle portion toward the front end portion.” See, e.g., Figs. 1 and 8A below with purple lines showing the plane.

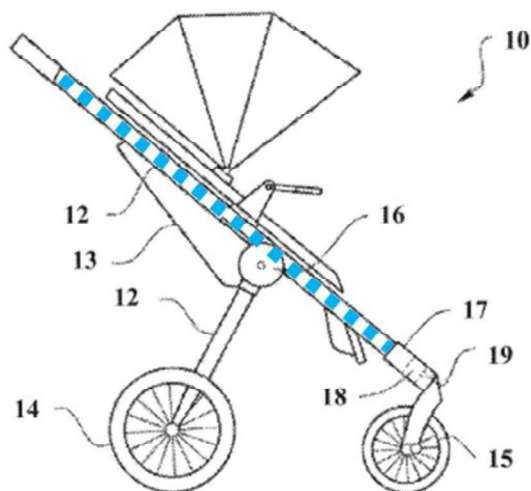


FIGURE 1

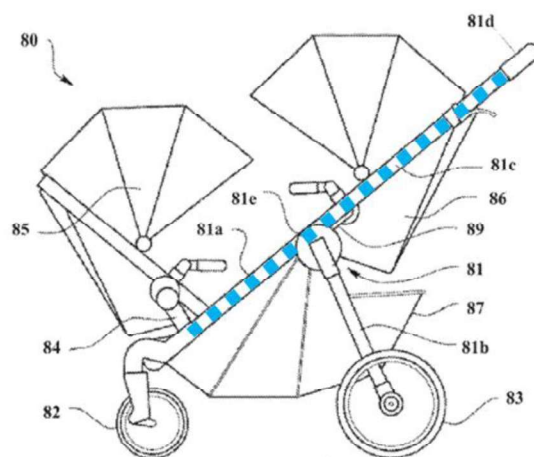


FIGURE 8A

**EX1007, '305 CIP, Figs. 1 and 8A (Annotated)**

227. None of the figures in the '305 CIP disclose anything other than a strictly planar relationship. Thus, these disclosures cannot be used to show that the Patent Owner was in possession of foldable support members that were anything other than strictly planar, *i.e.*, merely substantially planar. As such, the '305 CIP does not provide support for the limitation “foldable support members extending in a parallel spaced relationship and **substantially within a plane** that runs diagonally from the handle portion toward the front end portion.” Therefore, the '771 Patent claims are not entitled to the August 1, 2016 priority date of the '305 CIP.

**f. '771 Patent**

228. The '771 Application was filed July 28, 2022. (EX1011, Cover.) The only new disclosure in the '771 Application relevant to this issue and not already

disclosed in the previous applications discussed above was presented in the '771 Application's originally filed claims.

229. Claim 1, as originally filed, required: “the foldable support members extending in a parallel, spaced relationship and substantially within a single plane and wherein the plane runs diagonally downwards from the handle portion towards the front end portion of the frame.”

1. A stroller convertible from a single seat configuration to a double seat configuration without changing its footprint, comprising:
  - at least two rear wheels;
  - only two front wheels;
  - a frame supported by the wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a single plane and wherein the plane runs diagonally downwards from the handle portion towards the front end portion of the frame;
  - a first seat releasably connected to the stroller frame at a first vertical position, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration; and
  - wherein the stroller is configured to receive an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:
    - right and left seat attachments configured to couple to the right and left support members, respectively, at a second vertical position that is lower than the first vertical position; and
    - a second seat connectable to the right and left seat attachments in either a forward or backward facing position.

### **EX1021, '771 Patent File History, 36**

230. This is the first time in the family where the inventors disclosed the



foldable support member arranged in anything other than a strict planar relationship. Therefore, a POSITA would have understood that in 2022, the Patent Owner for the first time disclosed and claimed foldable support members “substantially within a single plane.”

231. As such, the '771 Application is the first disclosure that provides support for the '771 Patent claims as issued.

232. Because all prior disclosures in the earlier family members, before the filing of the '771 Application, disclosed only strictly planar foldable support members, these previous disclosures cannot be used to establish that the Patent Owner was in possession of foldable support members that were not strictly planar, *i.e.*, merely substantially planar. While the prior disclosures provide one example that falls within the range of “substantially within a plane,” they do not demonstrate that Patent Owner was in possession of the entire claimed range.

233. Therefore, in my opinion, the '771 Patent claims are entitled to a July 28, 2022 priority date.

## **VII. Overview of the prior art**

234. I also understand the examination of the '771 Patent was done based on what is referred to as “pre-AIA” 35 U.S.C. §102. However, I understand from counsel that since the '305 CIP lists Mr. Lee, Ms. Roe, and Ms. Simpson as named inventors, this indicates they contributed to the conception of the idea or subject

matter of at least one claim within that patent. I understand that including them on the '305 CIP Patent indicates they contributed to the conception of the idea or subject matter of at least one claim within that patent.

235. Because none of these inventors were listed prior to the 2016 Second Provisional, it is my understanding that the '305 CIP (and all applications claiming priority to it) should be examined under what is referred to as “post-AIA” 35 U.S.C. §102.

236. Regardless, I explain based on information from counsel whether the prior art references discussed below apply as prior art under pre-AIA 35 U.S.C. §102, post-AIA 35 U.S.C. §102, or potentially both.

**A. WO 2008/040797 (“Offord ’797”)**

**1. Status as Prior Art**

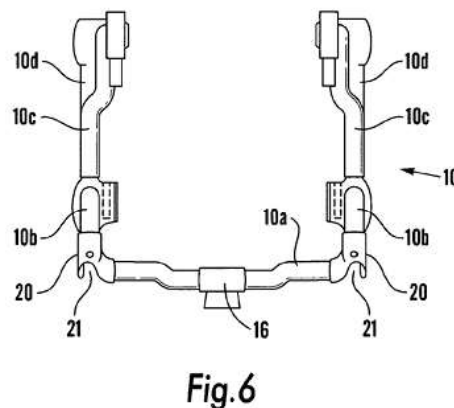
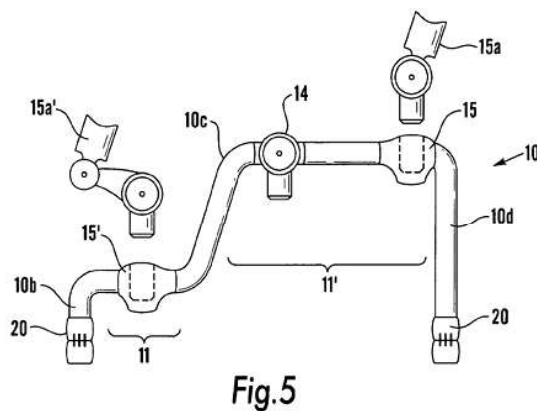
237. Offord ’797 was filed October 5, 2007 and claimed priority to a British application filed October 6, 2006. (EX1054, Offord ’797, Cover.) Offord ’797 published as WO 2008/040797 A1 April 10, 2008. (EX1054, Cover.) The publication date of April 10, 2008 predates the earliest claimed priority date of December 4, 2008. Thus, I am informed that under 35 U.S.C. § 102(a)(1) (post-AIA) or 35 U.S.C. § 102(a) or (e) (pre-AIA), Offord ’797 is prior art.

**2. Overview of Offord ’797**

238. Offord ’797 discloses a vehicle frame assembly including an interface



section. (EX1054, Offord '797, 3:22-23.) The double curve creates a higher and lower vertical plane. (EX1054, Offord '797, 3:27-30.) The higher and lower sections have a pair of sockets for inserting an adapter. (EX1054, Offord '797, 3:31-4:4.) The adapter allows for seats to be connected to the vehicle with one seat higher than the other. (EX1054, Offord '797, 5:3-7.) The subframe can be rotated 180 degrees allowing for the higher seat to be in the rear with the lower seat in the front or the higher seat in the front and the lower seat in the rear. (EX1054, Offord '797, 4:24-30.)



**EX1054, Offord '797, Figs. 5-6**

**B. U.S. Patent No. 8,672,341 (“Offord '341”)**

**1. Status as Prior Art**

240. Offord '341 was filed September 24, 2009. Offord '341 was published December 1, 2011. (EX1051, Offord '341, Cover Page.)

241. I understand Offord '341 claims priority to a British patent with a

filing date of October 10, 2008 which predates the earliest claimed priority date of December 4, 2008. Thus, I am informed that under 35 U.S.C. § 102(a)(1) (post-AIA), Offord '341 is prior art assuming the claims are entitled to the December 4, 2008 priority claim, and is prior art under at least 35 U.S.C. § 102(a)(1) (post-AIA) or 35 U.S.C. § 102(b) (pre-AIA) if not entitled to priority.

## **2. Overview of Offord '341**

242. Offord '341 discloses a vehicle comprising frame assembly 4, ground contacting wheels 6 attached to the frame assembly 4, a handle 8, seats 10 releasably mounted to mounting regions 12, and a pair of mounting devices connected to the frame of the seat. (EX1051, Offord '341, 5:45-55.) The seats/child carrying unit can alternatively be an infant car seat or a carry-cot. (EX1051, Offord '341, 5:55-57.)

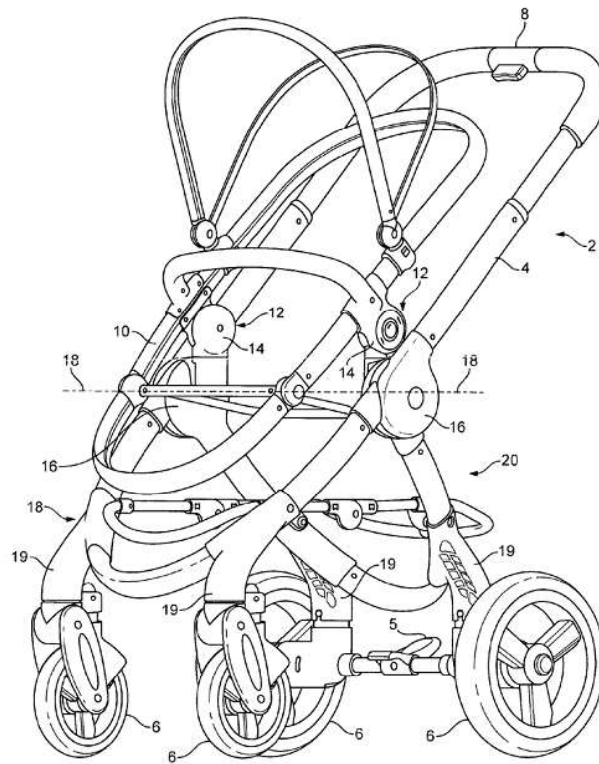


FIG. 1

**EX1051, Offord '341, Fig. 1**

243. The stroller also includes hinge devices 16 on each side of the frame assembly 4. (EX1051, Offord '341, 5:60-61.) “The hinge devices comprise first and second lateral locking hub devices 22 and a third central locking hub device 24.” (EX1051, Offord '341, 6:15-17.) The “portion of the frame assembly 4 below the hinge devices comprises a forward-projecting frame sub-portion 18 and a rearward-projecting frame [assembly] 20.” (EX1051, Offord '341, 6:3-5.) The inner lateral locking hub device 22 is housed within an inner housing 30 which connects to the rearward-projecting frame sub-portion 20 and outer lateral locking

hub device 22 being housed in an outer housing 32 which connects to the forward-projecting frame sub-portion 18. (EX1051, Offord '341, 6:23-29.)

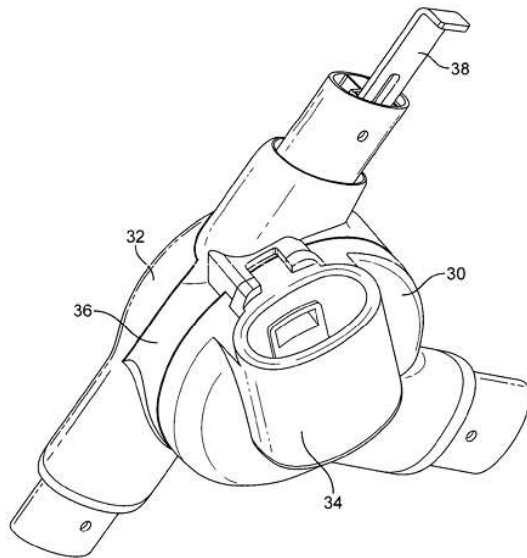


FIG. 4

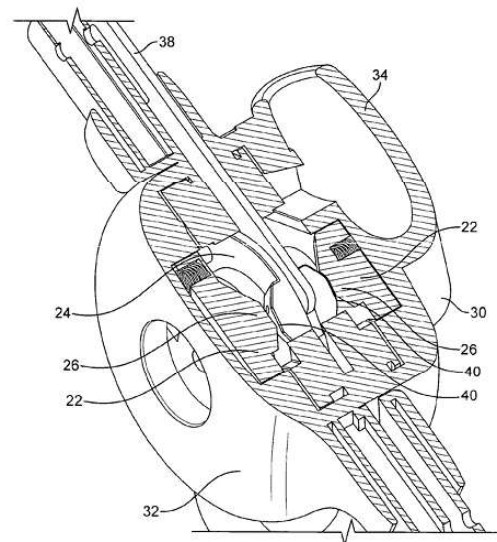


FIG. 5

**EX1051, Offord '341, Figs. 4-5**

244. Offord '341 discloses folding of the stroller by rotation of the inner and outer housings 30 and 32, the central housing 36 and the central locking hub device 24. (EX1051, Offord '341, 6:30-7:12.)

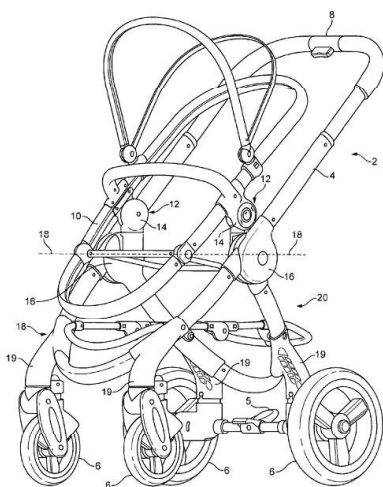


FIG. 1

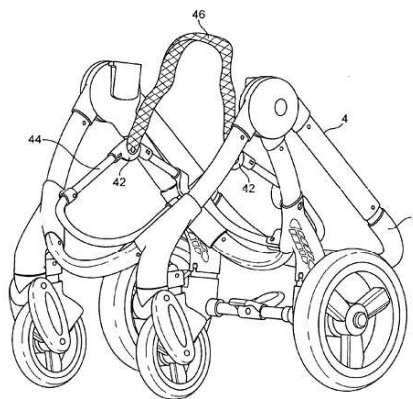


FIG. 7

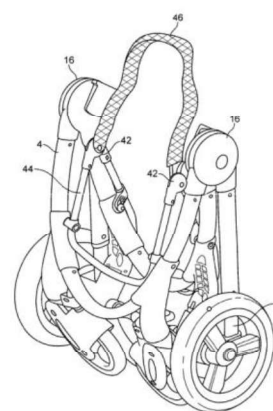


FIG. 8

### EX1051, Offord '341, Figs. 1, 7-8

245. The stroller of Offord '341 can be modified to include a sub-frame assembly releasably attached to the frame. (EX1051, Offord '341, 2:47-50.) This subframe comprises two pairs of interface portions allowing for a first and second child carrying units to be mounted. (EX1051, Offord '341, 2:47-50.)

## C. European Patent No. 0980810 (“Gotting”)

### 1. Status as Prior Art

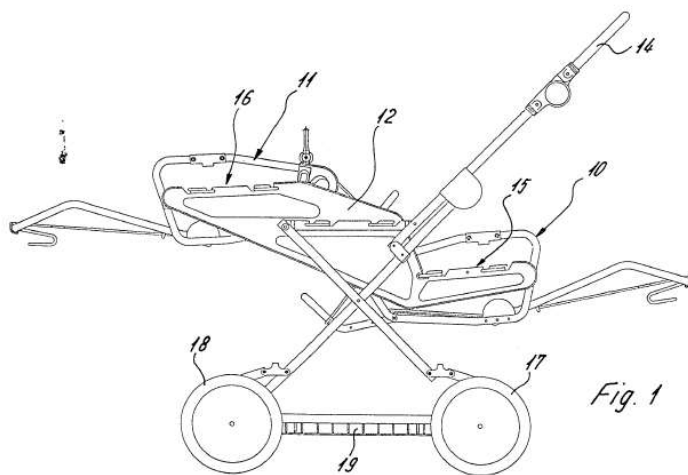
246. Gotting was filed July 8, 1999. Gotting was published as EP0980810A1 on February 23, 2000. (EX1041, Gotting, Cover.)

247. The publication date of February 23, 2000, predates the earliest claimed critical date of December 4, 2008. Thus, I am informed that under 35 U.S.C. § 102(a)(1) (post-AIA) or 35 U.S.C. § 102(a) or (b) (pre-AIA), Gotting is prior art.



## 2. Overview of Gotting

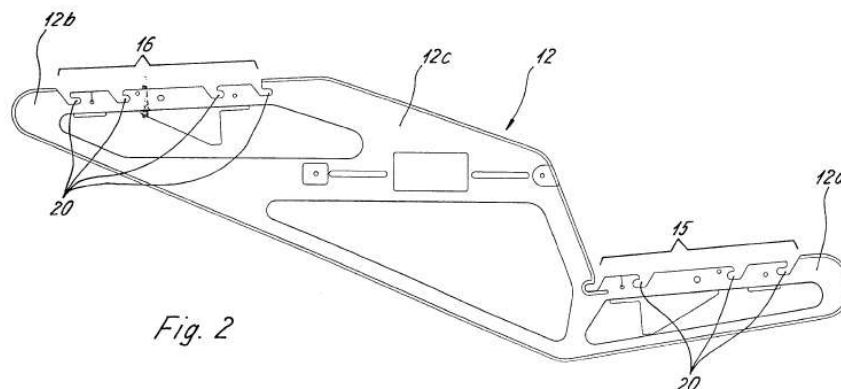
248. Gotting discloses a stroller for twins or siblings with a frame having a push bar, front and rear wheels, and two removable seats attached. (EX1041, Gotting, ¶0001.) The seats 10, 11 are attached directly or indirectly to the frame 13 at different heights, creating overlap of the seats. (EX1041, Gotting, ¶¶0005, 0008, 0013.) Gotting also discloses that the stroller can be used for one child and that a single seat can be attached. (EX1041, Gotting, ¶¶0007-0008.) The stroller frame includes a push bar 14 that folds in when the stroller collapses. (EX1041, Gotting, ¶0011.)



**EX1041, Gotting, Fig. 1**

249. Gotting discloses two adapters 12 attached to the frame 13 to which the seats 10, 11 can be mounted. (EX1041, Gotting, ¶0011.) The adapters are designed to allow for seats to be mounted in two positions. (EX1041, Gotting

¶0007.) The adapters 12 are removably attached to the frame 13 and are attached at a vertical offset at points 15, 16. (EX1041, Gotting ¶¶0008, 0011.) The adapters of Gotting can be reversed allowing for the seat 11 that is further from the push bar 14 to be lower than the seat closer to it. (EX1041, Gotting, ¶0014.)



**EX1041, Gotting, Fig. 2**

**D. German Patent No. 29810646 (“Britax”)**

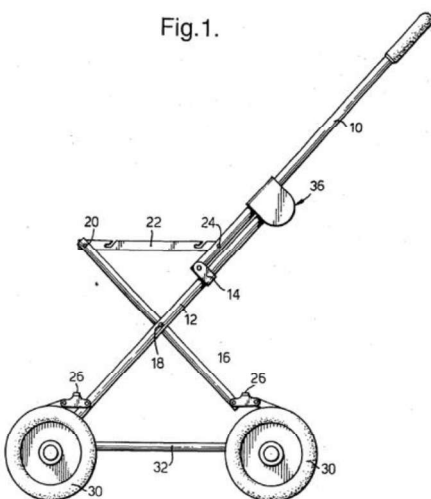
**1. Status as Prior Art**

250. Patent assignee Britax-Teutonia Kinderwagenfabrik GmbH (“Britax”) filed German Patent Publication DE29810646U1 on June 19, 1998 and it was published on October 22, 1998. (EX1048, Cover Page.)

251. The publication date of October 22, 1998, predates the earliest claimed critical date of December 4, 2008. Thus, I am informed that under 35 U.S.C. § 102(a)(1) (post-AIA) or 35 U.S.C. § 102(a) or (b) (pre-AIA), Britax is prior art.

## 2. Overview of Britax

252. Britax discloses a chassis designed for a stroller including a U-shaped handlebar 10, with ends connected to front arms 12. (EX1048, Britax, 3:5-7.) Each front arm is connected to a corresponding rear arm 16 by a center pin 24. (EX1048, Britax, 3:7-8.) The lower ends of each of the four arms 12, 16 each have a pair of front wheels 30 and a pair of rear wheels 32. (EX1048, Britax, 3:10-12.)



**EX1048, Britax, Fig. 1**

253. Britax further discloses a collapsible stroller chassis formed by a front scissors arm with a spring-loaded locking pin and a rear scissors arm connected by a central pivot pin. When unfolded, “there is a locking element with a socket with which it can be coupled to the front arm that is connected to the locking pin.” (EX1048, Britax, 1:21-26.)

**E. U.S. Patent No. 8,882,134 (“Rolicki”)**

**1. Status as Prior Art**

254. Rolicki was filed March 14, 2013 and claimed priority to provisional application No.61/749,728 filed January 7, 2013. Rolicki published as U.S. Patent Publication No. 2014/0191483 on July 10, 2014. Rolicki issued on November 11, 2014. (EX1047, Cover, 1:6-9.)

255. As I stated in my “Priority Date of the ’771 Patent” section above, it is my opinion that claims 1-15 are entitled to a priority date no earlier than either (1) the July 28, 2022 filing date of the ’771 Patent or (2) the March 21, 2016 filing date of the Second Provisional.

256. Applying a priority date of either March 21, 2016 or July 28, 2022, I have been further informed by counsel that Rolicki is prior art under at least 35 U.S.C. § 102(a)(1) (post-AIA) or 35 U.S.C. § 102(a) or (b) (pre-AIA).

**2. Overview of Rolicki**

257. Rolicki discloses a stadium-style dual-seat stroller having an upper seat near the handle 122 and a lower seat near the front wheels 110. (EX1047, Rolicki, Fig. 1.) The stroller of Rolicki is symmetrical. (EX1047, Rolicki, 5:40-43, Figs. 2, 3, 18.)

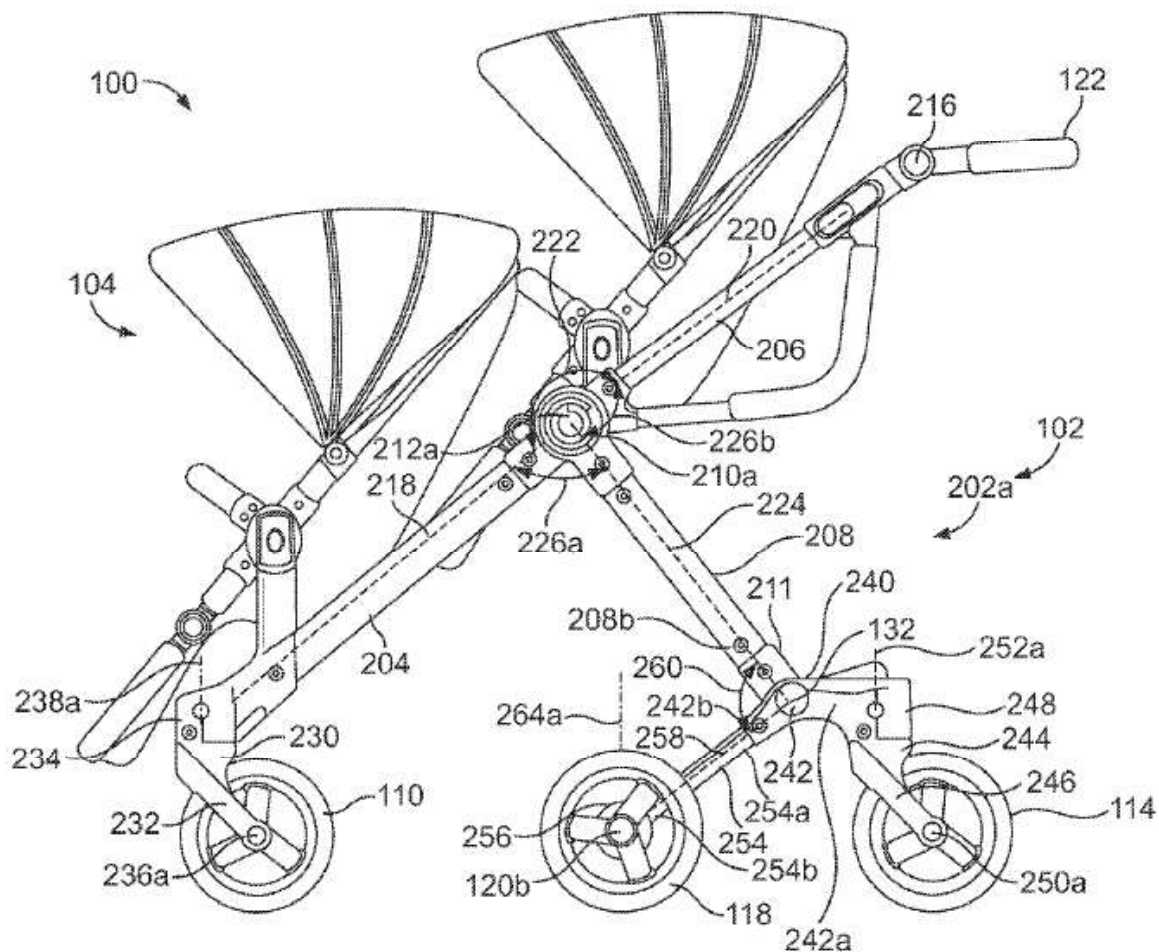
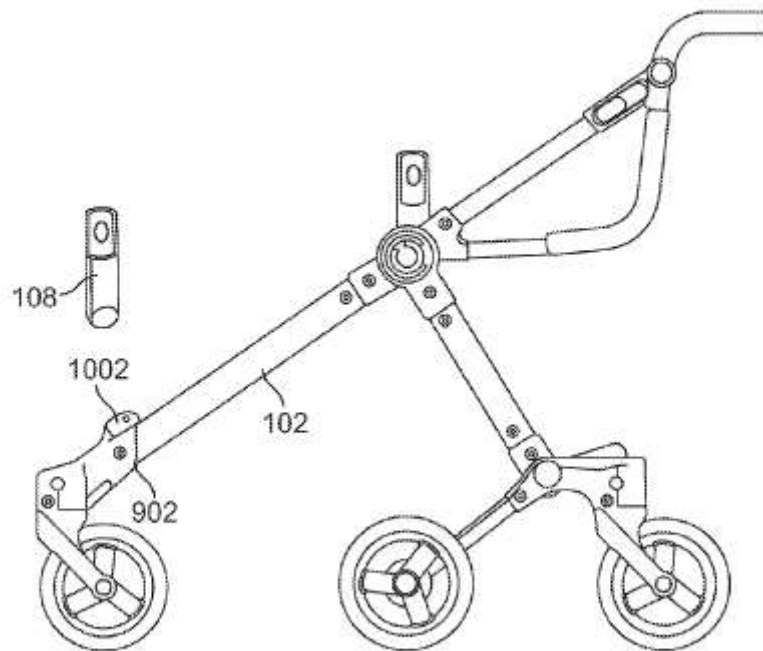


FIG. 2

EX1047, Rolicki, Fig. 2

258. The stroller includes a frame 102 having left and right-side frames assemblies 202a, 202b, each having an upper frame support 206 pivotally coupled to a lower frame support 204. (EX1047, Rolicki, 5:37-40, 5:47-50.) The seats 106 are removably coupled to the frame 102 using seat mounts 108. (EX1047, Rolicki, 3:53-58.) The seat mounts 108 may be coupled to the frame directly or coupled to the frame using housings 902. (EX1047, Rolicki, 12:50-52.) The embodiment of

Figure 10 shows removable seat mounts 108 that are receivable in pockets 1002 of connector housings 902. This allows the seat mounts 108 to be removed when not in use, such as when only a single seat 106 is attached to the stroller.



**FIG. 10**

**EX1047, Rolicki, Fig. 10**

259. The seats 106 are removably connected to upper ends of the seat mounts 108 by an interface, and the lower ends of the seat mounts 108 are adjustable along the frame 102. (EX1047, Rolicki, 3:51-64.)

260. – 283. <INTENTIONALLY LEFT BLANK>

## VIII. Grounds for Challenge

### A. Ground 1 – Claims 1-15 are obvious over U.S. Patent No. 8,882,134 (“Rolicki”)

*... [1.0] A stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint, comprising:*

284. I have been informed by counsel that preambles are ordinarily not limiting. Regardless, Rolicki discloses limitation [1.0] as I explain below.

285. Rolicki discloses a stroller.

The present disclosure relates generally to child care equipment and, more particularly, to **maneuverable strollers**.

(EX1047, Rolicki, 1:13-14, see also 3:49-50, 21:63.)

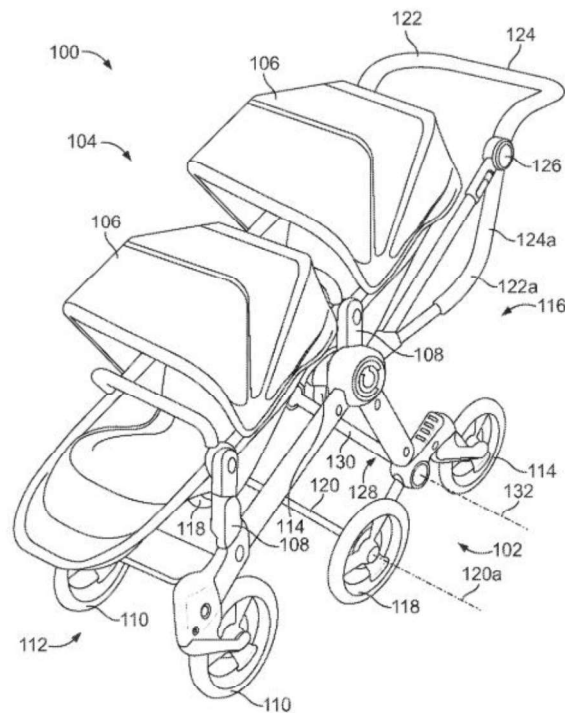


FIG. 1

**EX1047, Rolicki, Fig. 1**

**Fig. 1 is a perspective view of an example stroller 100 constructed in accordance with the teachings disclosed herein.**

(EX1047, Rolicki, 3:49-50.)

286. The stroller 100 has removable seats allowing the stroller to be converted between a single seat configuration (Figure 11) and a double seat configuration (Figure 1).

The example stroller 100 of Fig. 1 includes a frame 102 defining a seating area 104 to accommodate or support one or more child and/or infant seats 106. **To support the infant seats 106, the frame 102 of the illustrated example includes one or more infant seats mounts**



**108.** More specifically, **the infant seats 106 removably couple to the seat mounts 108** via an interface (e.g., a latch or connector) provided by the seats 106 and the seat mounts 108. To remove the infant seats 106 from the seat mounts 108, a connector defined by the interface is released via a release (e.g., a spring-loaded push button).

(EX1047, Rolicki, 3:51-61.)

The example stroller 1100 of Fig. 11 is substantially similar or identical to the stroller 100 of Figs. 1-8. However, unlike the stroller 100 of Fig. 1, the example **stroller 1100 of Fig. 11 has only one infant seat 106**. In some examples, **the stroller 100 of Fig. 1 may be configured or converted to the stroller 1100 of Fig. 11. For example, one of the seats 106 of Fig. 1 may be removed** from the frame 102 and the seat mounts 108 associated with the removed infant seat 106 may be removed from the frame 102. In the examples of Figs. 1-11, the seat mounts 108 are bayonet-type mounts.

(EX1047, Rolicki, 13:10-20.)

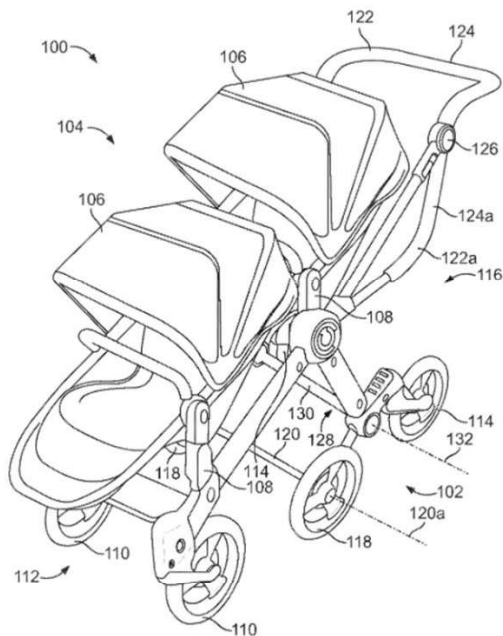


FIG. 1

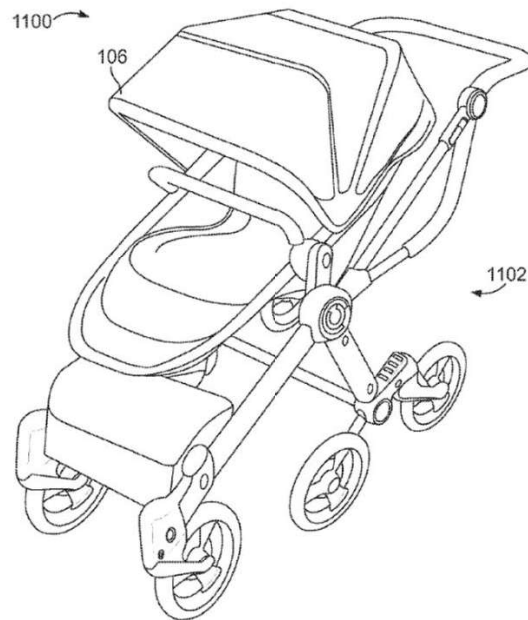


FIG. 11

**EX1047, Rolicki, Fig. 1 (Left) and Fig. 11 (Right)**

287. Rolicki is designed to support two seats 106 without adding additional wheels or expanding the footprint. Therefore, adding a second seat to the stroller frame of Rolicki does not increase its footprint.

288. Therefore, Rolicki discloses or renders obvious claim limitation [1.0].

... [1.1] *two rear wheels;*

... [1.2] *only two front wheels;*

289. Rolicki discloses a plurality of wheels including at least two rear wheels 114. Indeed, although Rolicki refers to two of the rear wheels as “intermediate,” a POSITA would understand all four wheels extending from the intermediate support tube 208 could be “rear wheels.”

The frame 102 of the illustrated example is supported by one or more front wheels 110 at a front end 112 of the frame 102 and one or more **rear wheels 114** at a rear end 116 of the frame 102.

(EX1047, Rolicki, 3:65-4:1, see also Fig. 1.)

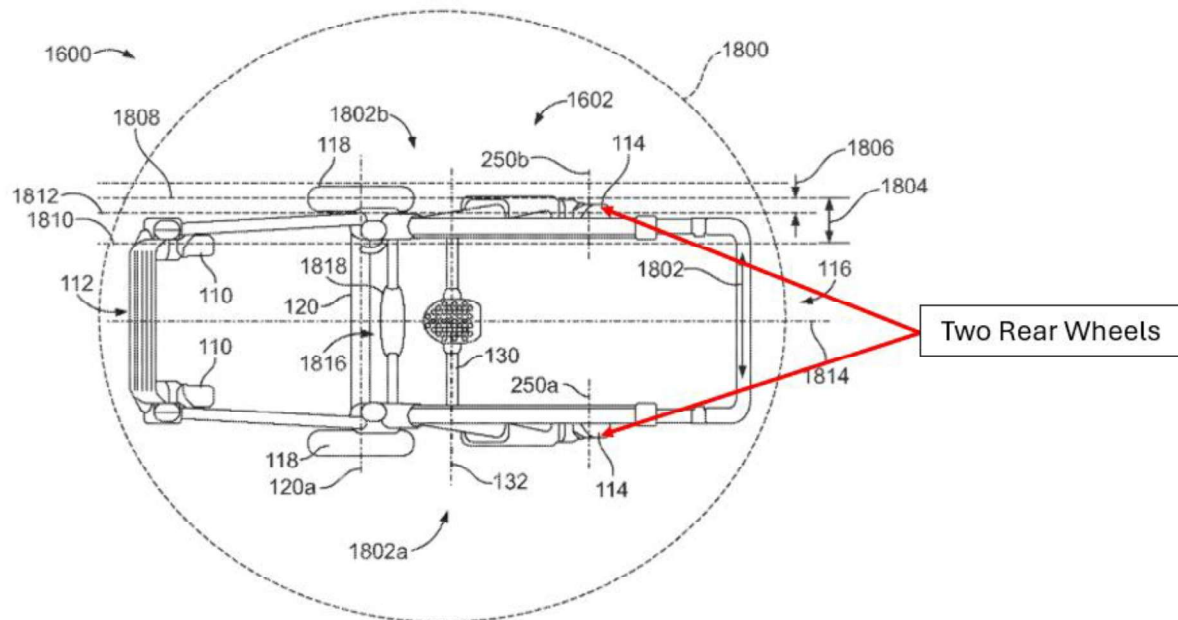


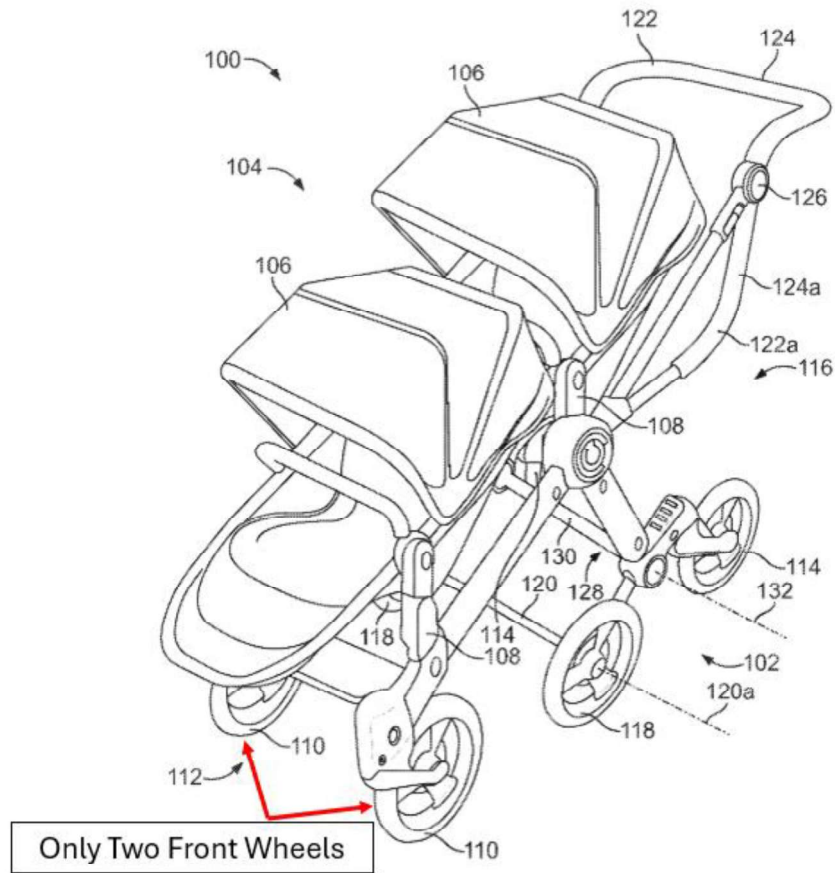
FIG. 18

**EX1047, Rolicki, Fig. 18 (Annotated)**

290. Rolicki discloses “only two front wheels.”

The frame 102 of the illustrated example is supported by one or more **front wheels 110** at a front end 112 of the frame 102 and one or more rear wheels 114 at a rear end 116 of the frame 102.

(EX1047, Rolicki, 3:65-4:1.)



**EX1047, Rolicki, Fig. 1 (Annotated)**

291. Therefore, Rolicki discloses or renders obvious claim limitations [1.1] and [1.2].

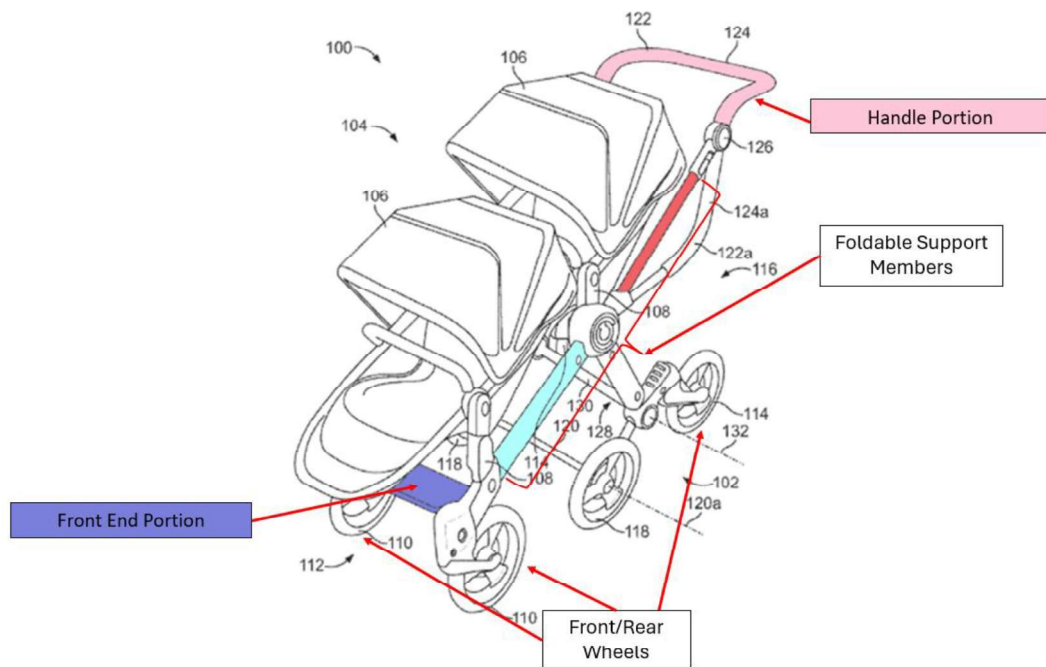
*... [1.3] a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;*

292. Rolicki discloses a stroller 100 that includes a frame 102 that is supported by front and rear wheels.

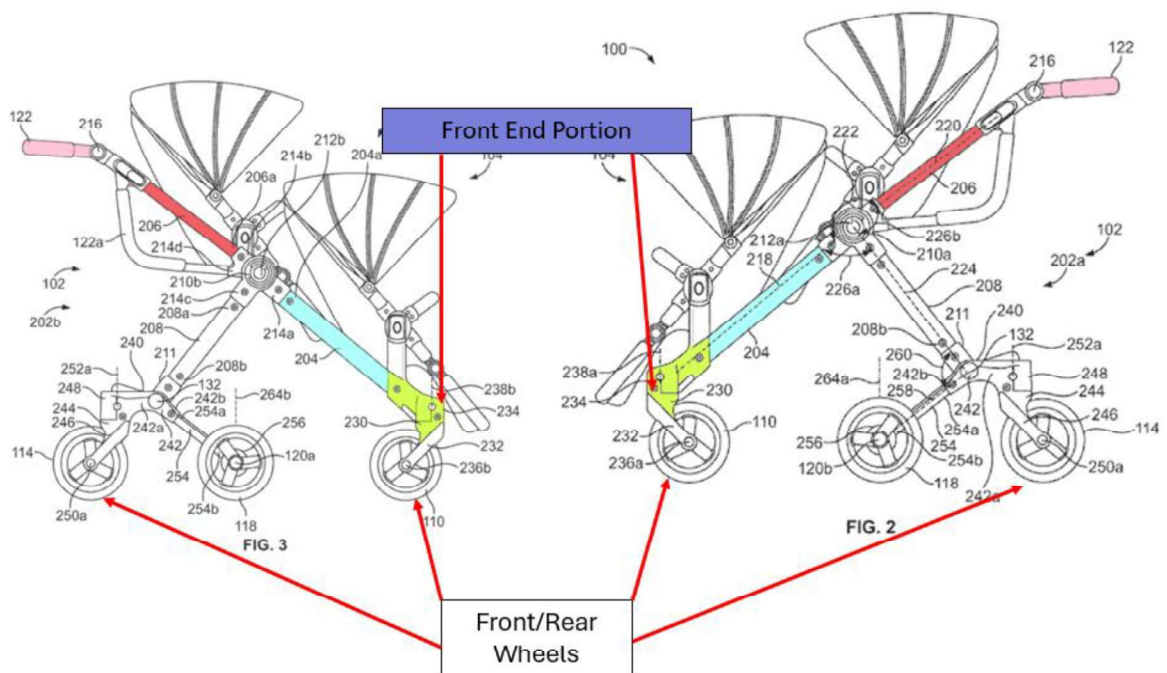
The frame 102 of the illustrated example is supported by one or more front wheels 110 at a front end 112 of the frame 102 and one or more rear wheels 114 at a rear end 116 of the frame 102.

(EX1047, Rolicki, 3:65-4:1.)

293. Rolicki teaches a handle portion—as shown by the portion of frame labeled 122 (pink)—coupled to upper ends of the left and right “upper frame supports 206” (red). (EX1047, Rolicki, 5:5-8.) These “upper frame supports 206” extend from the “handle portion” towards a “front end portion” (dark blue) of the “frame 102”.



**EX1047, Rolicki, Fig. 1 (Annotated)**



**EX1047, Rolicki, Fig. 2-3**

294. Rolicki teaches right and left foldable support members, which each

include the “upper frame support 206” (red), the “lower frame support 204” (light blue), and a pivot joints 210a/210b. (EX1047, Rolicki, 5:47-50.) The “right and left foldable support members” extend from the handle portion (pink). The pivot joints 210a, 210b, allow the “support members” to fold when the stroller frame is collapsed to a folded state (Fig. 8 below).

For the purpose of enabling the stroller 100 of the illustrated example to fold or collapse in at least one direction, **the frame supports 204, 206 and 208 of the first side frame assembly 202a are pivotally coupled via a first pivot connector or pivot joint 210a. ....** When the locking mechanism of the hubs 212a, 212b is in a locked condition, **the frame supports 204, 206 and 208 cannot rotate or pivot relative to each other about the respective pivot connectors 210a, 210b.** The locking mechanism of the hubs 212a, 212b may be moved to an unlocked condition via a release actuator 216 positioned on the upper frame support that may be activated by a user.

(EX1047, Rolicki, 5:56-6:28.)

More specifically, in the unlocked condition, **the frame supports 204, 206 and/or 208 are freed to rotate or pivot relative to each other about a pivot 704 provided by the pivot connectors 210a, 210b.** In the illustrated example, the lower and upper frame supports 204, 206 of the illustrated example pivot toward the intermediate frame support 208 in the direction shown by the respective arrows 706 and 708 into the configuration illustrated in Figs. 7 and 8.

(EX1047, Rolicki, 12:22-30.)

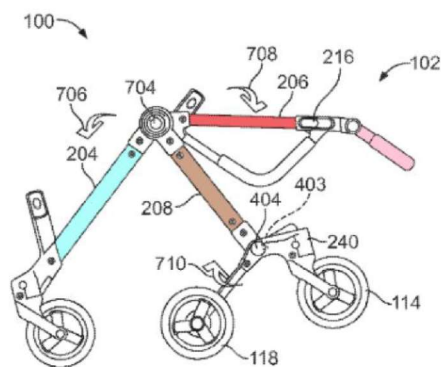


FIG. 7

**EX1047, Rolicki, Fig. 7**

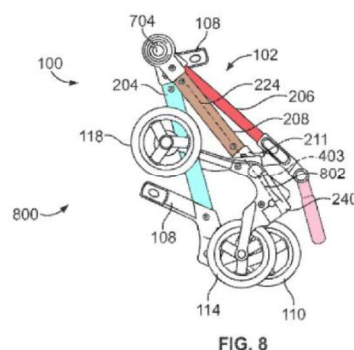


FIG. 8

**EX1047, Rolicki, Fig. 8**

295. Therefore, a POSITA would have understood the left and right side frame supports 204 and 206 (red/light blue) to be “left and right foldable support members extending from the handle portion (pink) towards a front end portion of the frame(dark blue).”

296. The frame supports 204 and 206 (“foldable support members”) extend along each side of the frame 102 in a “spaced relationship.” (EX1047, Rolicki, 5:35-46, Figs. 1, 9A, 18.)

297. Neither Claim 1, nor the specification, provide any guidance as to how far the parallel, spaced relationship and substantially in a plane relationship must extend along the foldable support members. The claim requires only that they extend “towards the front end portion of the frame.” In my opinion, this renders the claim indefinite because the specification provides no guidance in this respect. If the claim does not require the foldable support members to extend in a parallel,



spaced relationship for the entire length of the support member from the handle portion to the front end, then Rolicki meets this claim limitation. The upper support members are clearly parallel and extend substantially in a plane that runs diagonally from the handle portion towards the front end portion of the frame.

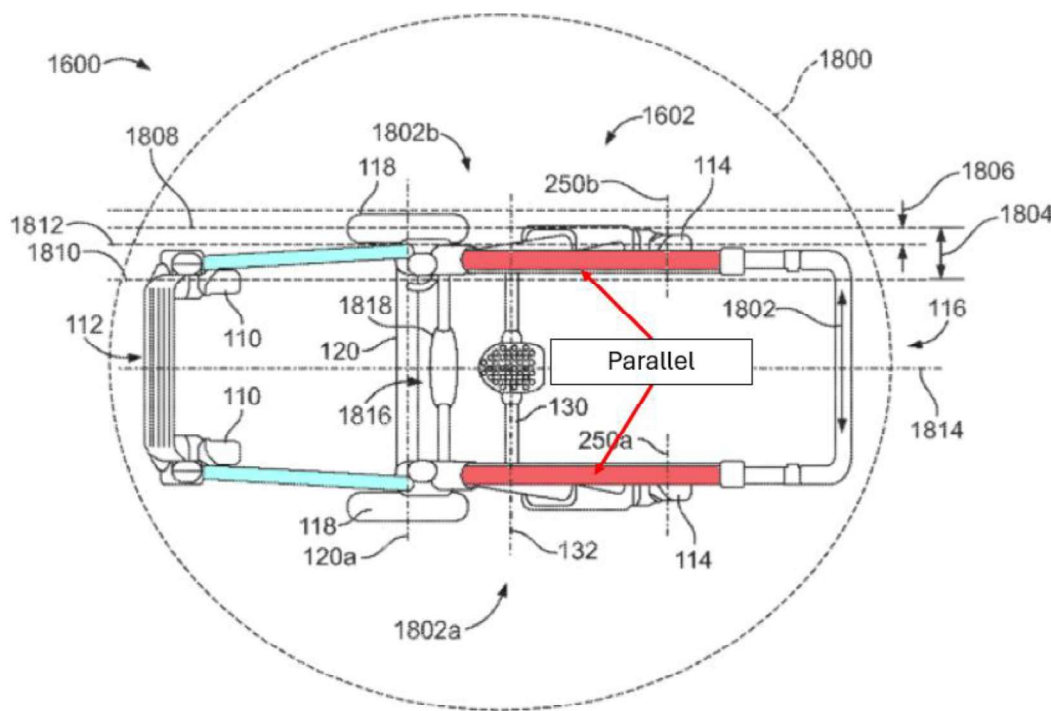


FIG. 18

**EX1047, Rolicki, Fig. 18**

298. To the extent claim limitation [1.3] requires the parallel relationship extend along the entire length of the “foldable support members,” Rolicki also meets this requirement. Although Fig. 18 shows that the lower support members 204 (light blue) are slightly tapered inward, Rolicki discloses that the location of the front wheels 110 can be aligned with the rear wheels 114. Thus, Rolicki

discloses that an alternative embodiment to the inward taper of the lower frame, would be to align the supports in a parallel relationship.

While the intermediate wheels 118 of the illustrated example are spaced a further distance from a longitudinal center line 1814 of the stroller 1600 than the front and rear wheels 110, 114, **in other examples, the intermediate wheels 118 may be aligned with the front and rear wheels 110, 114**, may be offset inward of the front and/or rear wheels 110, 114 (i.e., be closer to the longitudinal center line 1814), and/or may be offset outbound of a first one of the front and rear wheels 110, 114 and inbound of a second different one of the front and rear wheels 110, 114. **In some examples, the front wheels 110 and the rear wheels 114 fall along the same line** or travel path when the stroller 1400 is moving forward in a straight line.

(EX1047, Rolicki, 16:2-14.)

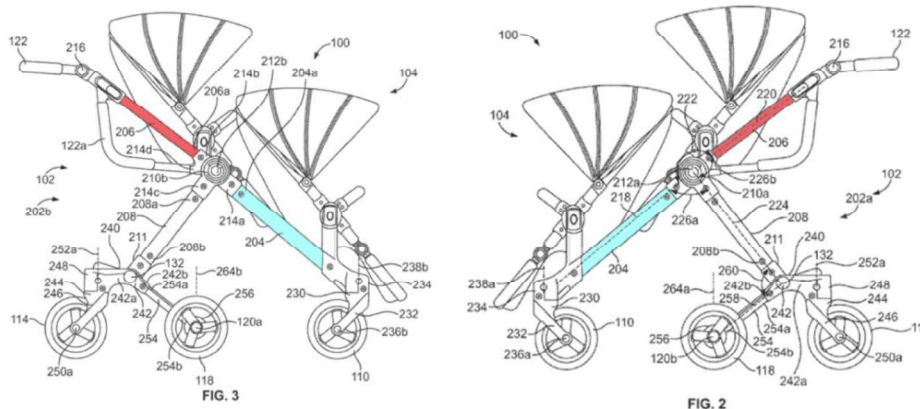
299. Therefore, Rolicki explicitly teaches foldable support members extending in a parallel, spaced relationship towards the front end portion of the frame.

300. Rolicki further discloses the foldable support members extend “substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame.” Rolicki expressly discloses that the upper and lower frame supports 206, 204, are “substantially aligned,” and can be aligned at 180 degrees (i.e., between 100 and 200 degrees), which would be exactly aligned,

and thus are “substantially within a plane.”

Referring to Fig. 2, when the frame 102 is erected, the lower frame support 204 and the upper frame support 206 of the first side frame assembly 202a are substantially aligned or parallel relative to each other such that an axis 218 of the lower frame support 204 is substantially aligned with an axis 220 of the upper frame support 206. However, in other examples, the lower frame support 204 may be positioned at any angle relative to the upper frame support 206 when the frame 102 is in the erected state. For example, an angle 222 between the axis 218 of the lower frame support 204 and the axis 220 of the upper frame support 206 may be between approximately 100 degrees and 200 degrees.

(EX1047, Rolicki, 6:29-40.)



**Annotated EX1047, Rolicki, Figs. 2-3**

301. Moreover, although Figures 2 and 3 of Rolicki only disclose one side of the stroller, Rolicki discloses that the two sides are symmetrical – which is clear

from the Figures because you cannot see the other side behind the pictured side—and thus, the upper and lower frame supports 204, 206 are in the same plane.

Referring to Figs. 2 and 3, the frame 102 of the illustrated example includes a first side frame assembly 202a laterally spaced from a second side frame assembly 202b to define the seating area 104. **The first and second side frame assemblies 202a, 202b of the illustrated example are substantially similar or identical and are symmetrical.**

(EX1047, Rolicki, 5:37-43.)

302. Thus, Rolicki discloses the left and right “foldable support members” extend “substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame.”

303. Therefore, Rolicki discloses or renders obvious claim limitation [1.3].

*... [1.4] a first seat releasably connected to the frame at a first vertical position that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration; and*

304. Rolicki discloses a first seat that is releasably coupled to the frame. Rolicki illustrates a pair of seats 106 arranged stadium-style with an upper seat and a lower seat. (See, e.g., Fig. 2 reproduced below.) The upper seat (“first seat”) is coupled to two upper mounts 108 located on the upper frame supports 206 (red).

The seat mounts 108 allow the seats 106 to be removably connected to the stroller 100.

**To support the infant seats 106**, the frame 102 of the illustrated example includes one or more **infant seats mounts 108**. More specifically, the infant seats 106 removably couple to the seat mounts 108 via an interface (e.g., a latch or connector) provided by the seats 106 and the seat mounts 108. To remove the infant seats 106 from the seat mounts 108, a connector defined by the interface is released via a release (e.g., a spring-loaded push button).

(EX1047, Rolicki, 3:53-61.)

305. I have identified the “first vertical position” as being the location where the first seat is coupled to the “seat mounts 108” as this is where the first seat is coupled to the stroller frame.

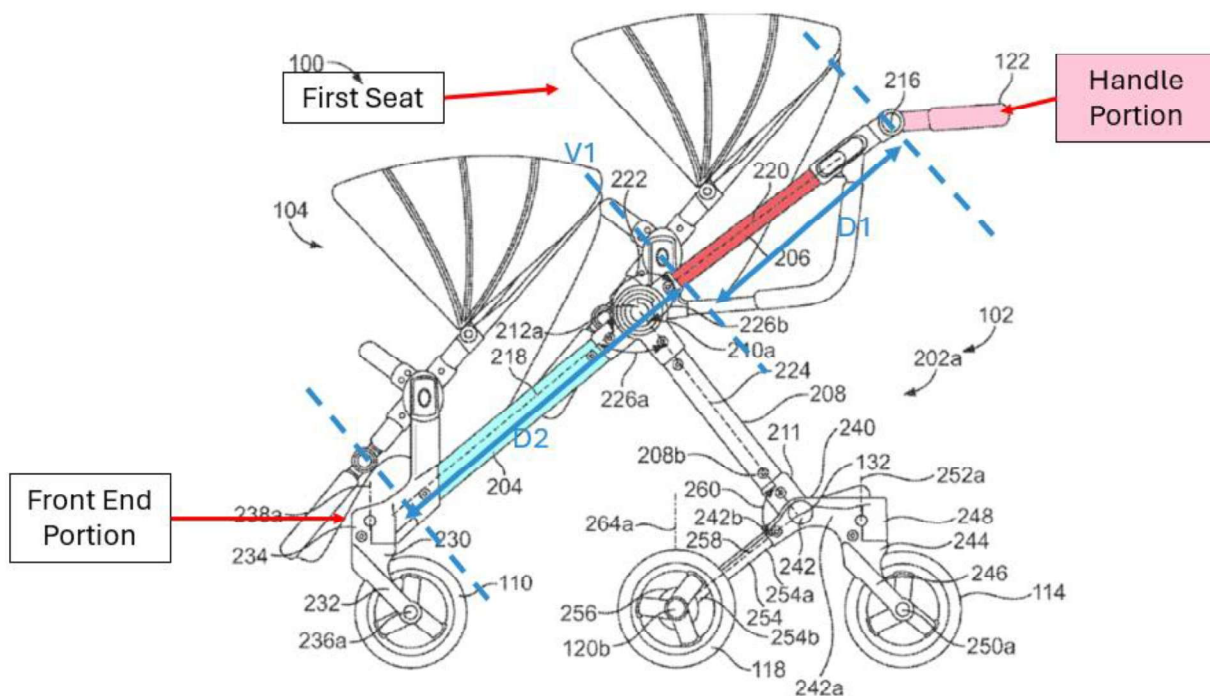
306. As I have also annotated, the first (upper) seat is visibly located closer to the handle portion (pink) than the front end portion (dark blue) of the stroller frame. A POSITA would understand the majority of the first seat (including the area where the infant’s back and butt would be positioned) is located closer to the handle portion than the front end portion.

307. A POSITA would have therefore understood based on the disclosure and drawings that Rolicki teaches “a first seat coupled to the stroller frame at a first vertical position [(V1)] of the stroller frame [(red)], wherein the first seat is

disposed closer to the handle portion [(pink)] than the front end portion [(dark blue)] of the stroller frame."

308. As shown in the annotated figure below, the connection point of the first seat to the frame is closer to the handle (distance D1) than it is to the front end portion. (distance D2).

309. I have annotated the figure below to illustrate how a POSITA would understand Rolicki meets these limitations.



**Rolicki, Fig. 2 (Annotated)**

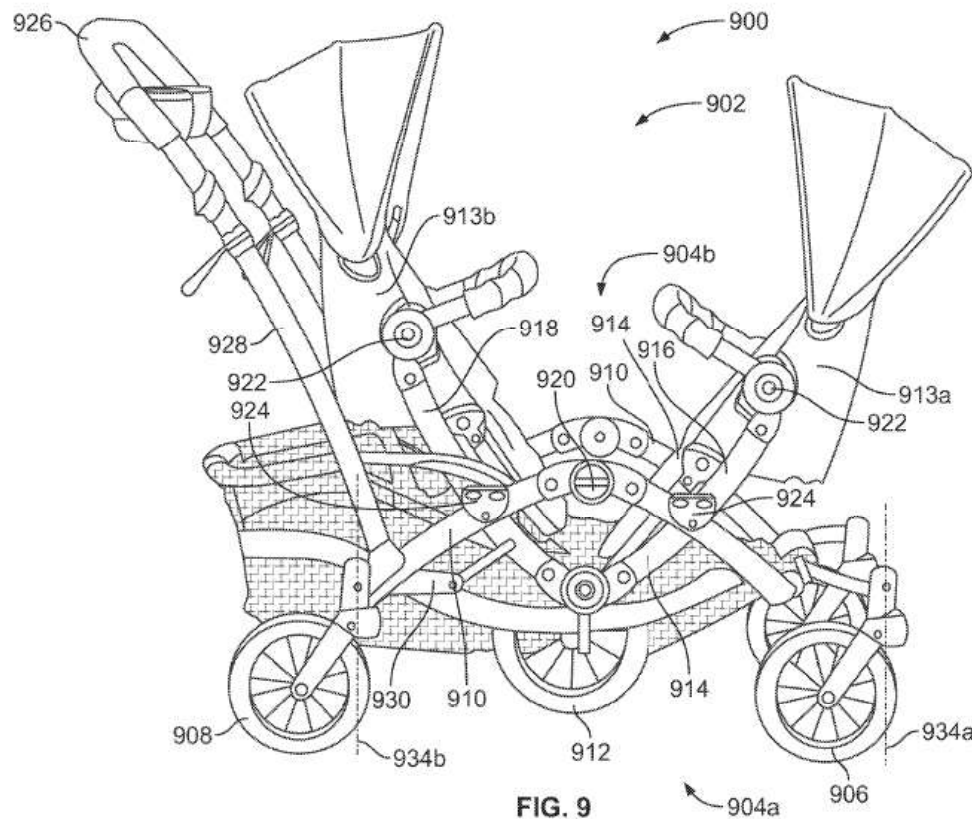
310. Rolicki discloses the upper seat mounts 108 are adjustable along the frame.

Additionally or alternatively, the **seat mounts 108 may be adjusted along the frame 102** to adjust a position of the infant seats 106 relative to the frame 102 and/or each other.

(EX1047, Rolicki, 3:61-64.)

311. Rolicki discloses that the first seat is connectable to the frame in *either* a forward or backward facing position to form the single seat configuration and thus meets one of the claimed alternatives. In Figure 1, Rolicki discloses the first seat being connectable in the forward configuration, one of the claimed alternative positions, and thus meets the claim.

312. Further, Rolicki incorporates by reference PCT/US2011/062669 / WO 2012075157 (EX1050), in its entirety—which discloses a similar seat connector and seats connectable in the rear facing configuration. This reference discloses stroller embodiments like that in Rolicki, as well as other stroller designs. A POSITA would have understood the seat connectors would be similar and allow the seats to be connectable in both a forward and reverse fashion. This is not surprising because strollers with connectors that permitted the seat orientation to be reversed were common and known to a POSITA at the time of the invention. (See Background, section IV.A and IV.B.4).



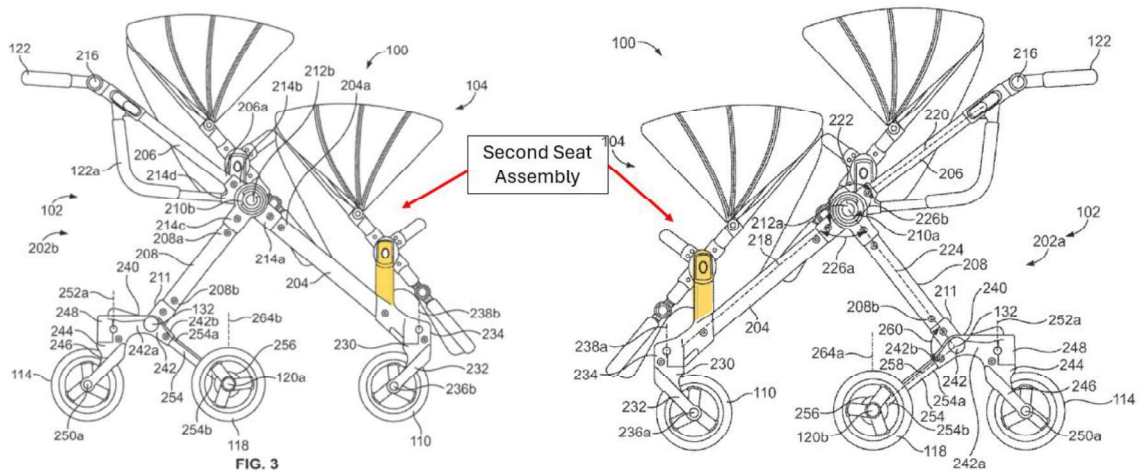
**EX1050, PCT/US2011/062669 Fig. 9**

313. Therefore, Rolicki discloses or renders obvious claim limitation [1.4].

*... [1.5a] wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:*

314. Rolicki discloses an optional second seat (lower seat 106) (EX1047, Rolicki, 3:51-58) and discloses removable “seat mounts 108” (gold) that connect the lower seat 106 to the frame 102. (EX1047, Rolicki, 3:53-61.)





EX1047, Rolicki, Fig. 2 (Annotated)

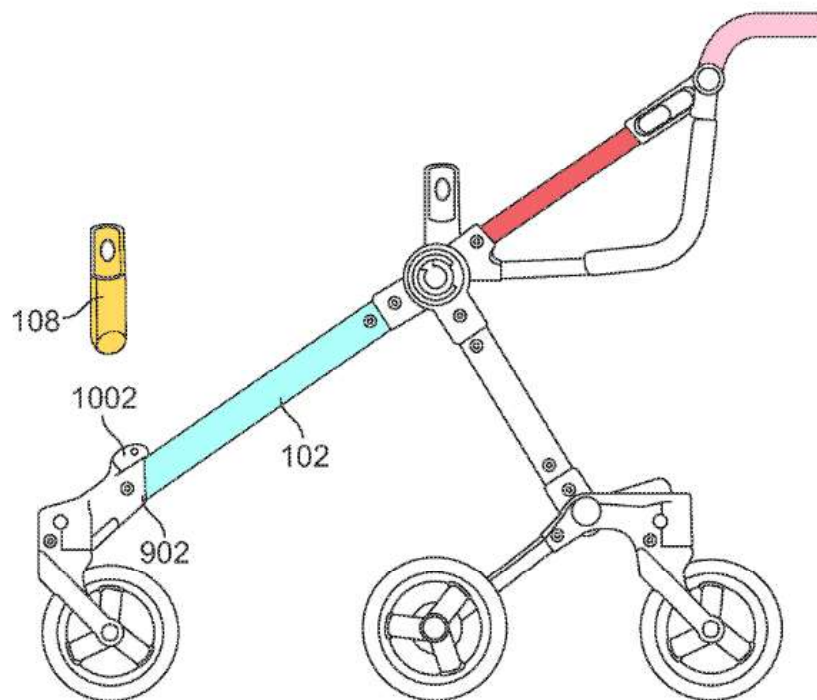


FIG. 10

EX1047, Rolicki Fig. 10 (Annotated)

315. The lower seat mounts 108 and the lower seat 106 are a “second seat assembly” “connectable to the stroller frame to form the double seat

configuration.” (EX1047, Rolicki, 3:51-61, 13:10-20.)

316. Rolicki discloses that the lower ends of the seat mounts 108 are removably received in an opening 1002 in the frame 102.

In some examples, the *seat mounts 108 may be removed relative to the frame 102* prior to or after the stroller 100 is in the folded position 800. For example, Fig. 10 illustrates the example **seat mounts 108 being removed from an opening or pocket 1002 of the connector 902 or the frame 202.** To remove the seat mounts 108 from the connector 902 and/or **the frame 102**, a lock or latch mechanism securing the seat mounts 108 to the connector 902 and/or the frame 102 is released **and the seat mount 108 is removed from the opening 1002.**

(EX1047, Rolicki, 13:1-9.)

317. Therefore, Rolicki discloses or renders obvious claim limitation [1.5].

*... [1.5b] 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, and*

*... [1.5c] wherein the second vertical position is closer to the front end portion than the handle portion; and*

318. Rolicki discloses “right and left seat attachments” (two lower seat mounts 108 (annotated below in gold)). These are the intermediary components that attach the seat 106 to the frame 102.

319. Rolicki discloses that the lower seat mounts 108 are attached to the

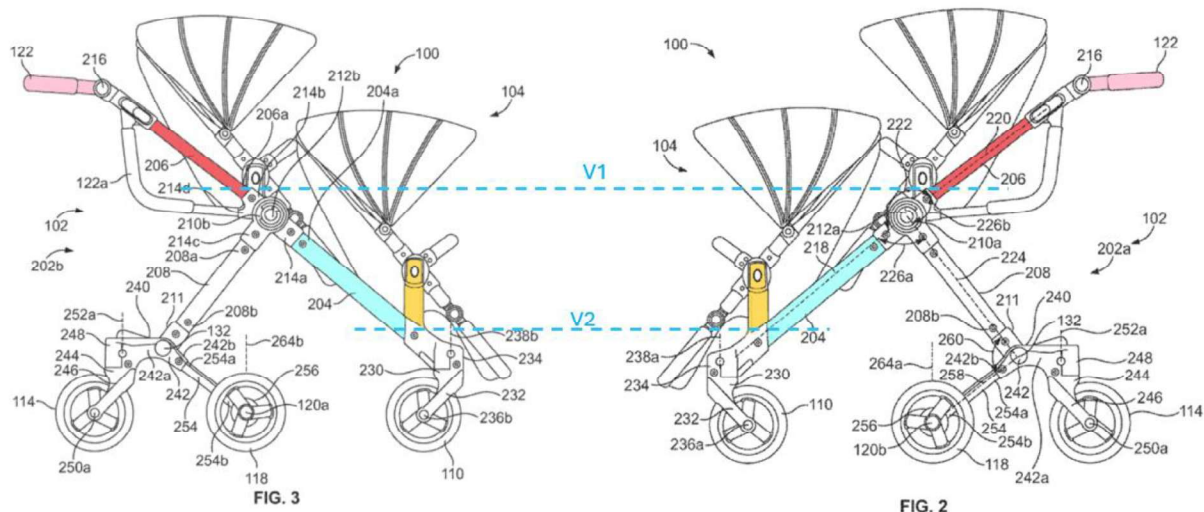
frame. (EX1047, Rolicki, 13:1-9.) In some embodiments, seat mounts 108 are adjustable along the frame.

Additionally or alternatively, the **seat mounts 108 may be adjusted along the frame 102** to adjust a position of the infant seats 106 relative to the frame 102 and/or each other.

(EX1047, Rolicki, 3:61-64.)

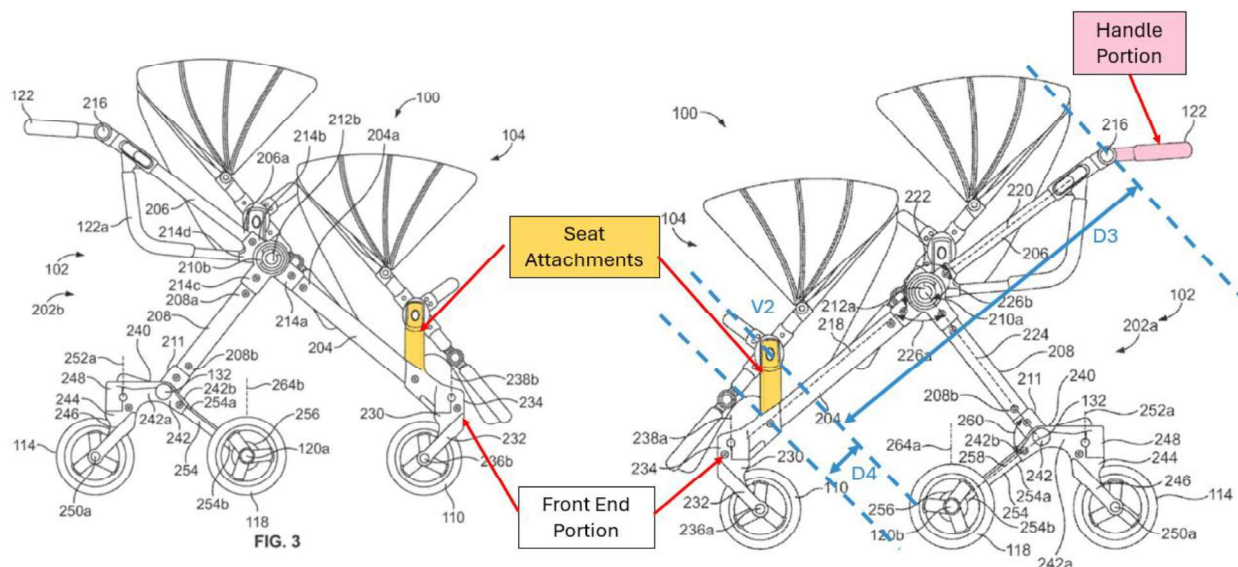
320. Therefore, the seat mounts 108 (“right and left seat attachments”) are “disposed along the right and left support members of the frame, respectively.”

321. As shown below in annotated Figure 2, the seat mounts 108 are disposed along the right and left supports members “at a second vertical position that is lower than the first vertical position.”



**EX1047, Rolicki, Fig. 2-3 (Annotated)**

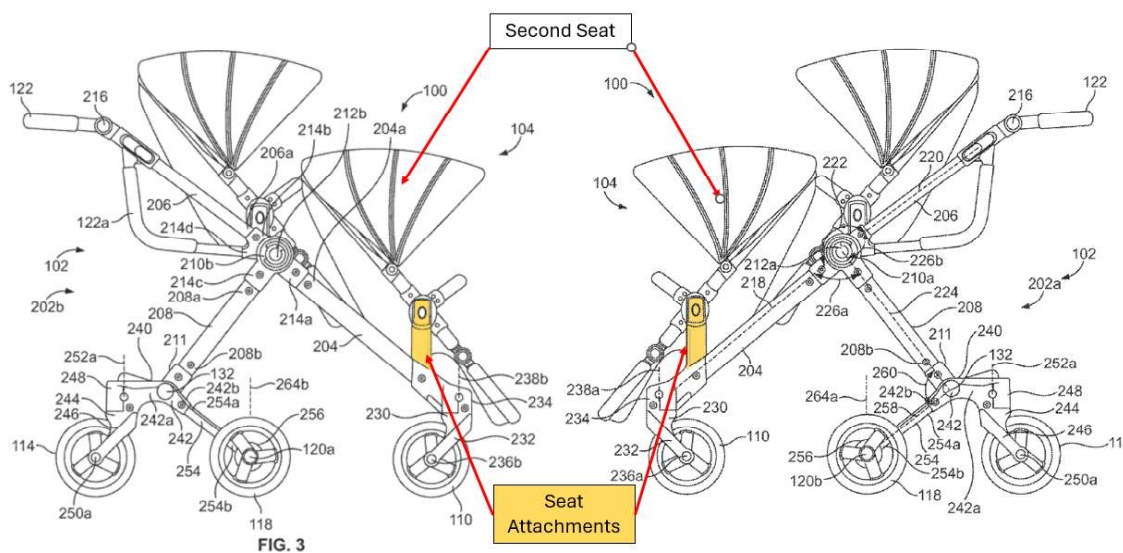
322. Figure 2 also shows the second vertical position as “closer to the front end portion than the handle portion” (pink).



EX1047, Rolicki, Fig. 2-3 (Annotated)

323. Therefore, Rolicki discloses or renders obvious claim limitations [1.5b] and [1.5c].

... [1.5d] a second seat connectable to the right and left seat attachments in either a forward or backward facing position;



EX1047, Rolicki, Fig. 2 (Annotated)

324. As discussed above for limitation [1.4], Rolicki discloses that the

seats, including the second seat, are connectable to the right and left seat attachments in either forward or backward facing positions. Thus, since in Figures 2 and 3, Rolicki discloses the second seat being connectable in the forward configuration, it meets one of the claimed alternatives.

325. Further, Rolicki incorporates by reference PCT/US2011/062669 (EX1050), in its entirety – which discloses seats connectable in the rear facing configuration. This is not surprising because strollers with connectors that permitted the seat orientation to be reversed were common and known to a POSITA at the time of the invention. (See background and claim [1.4).

326. Therefore, Rolicki discloses or renders obvious claim limitation [1.5d].

*... [1.5e] wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.*

327. As I show below in annotated Figure 2, Rolicki discloses “the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.”

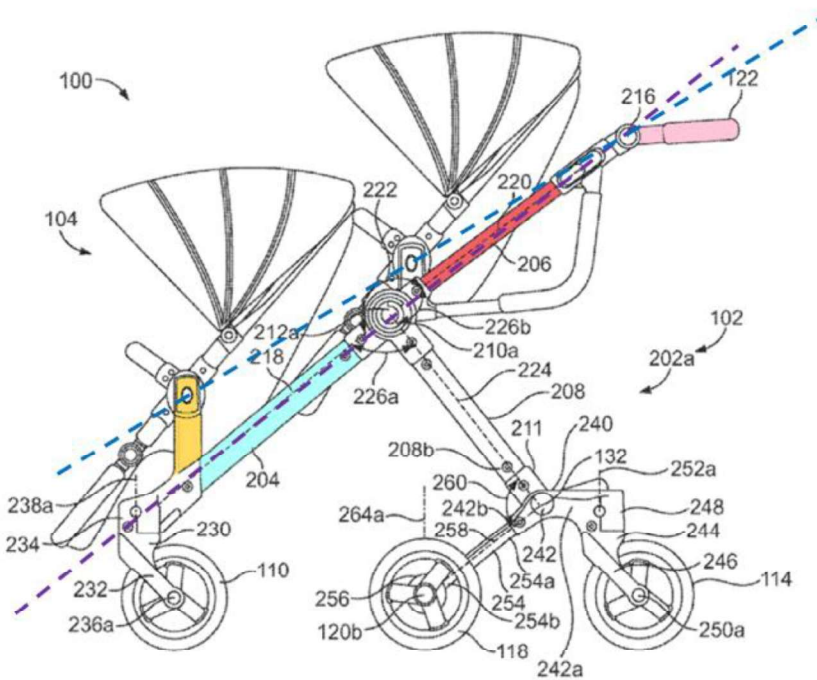


FIG. 2

**EX1047, Rolicki, Fig. 2 (Annotated)**

328. The only guidance given by the '771 Patent as to what constitutes “substantially along the plane of the frame” are the drawings of the embodiments of the '771 patent. I have included two instances of how a POSITA would understand the first/second seats when connected to the frame are “are arranged in an inline descending configuration along the stroller frame.” Below to the left, I traced an arrow somewhat along the frame itself which visually illustrates the seats are inline and descending. On the right, I traced an arrow through the portions of the seat where the infant’s buttocks would be located. This would also be understood as being an “inline descending configuration along the stroller frame.”



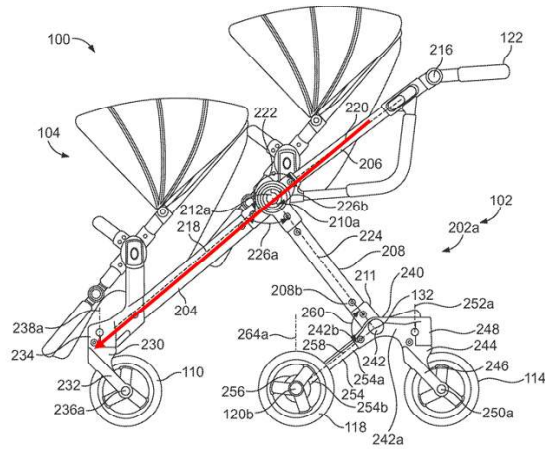


FIG. 2

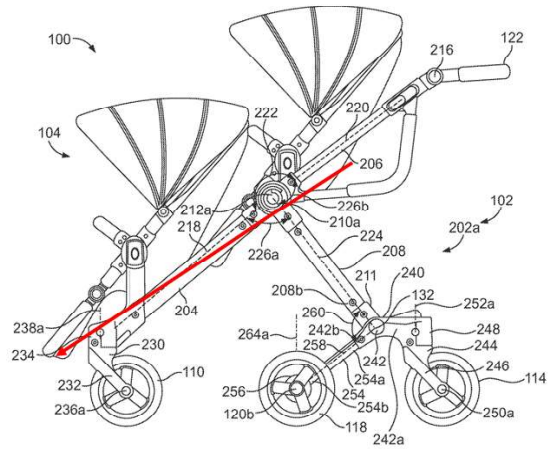
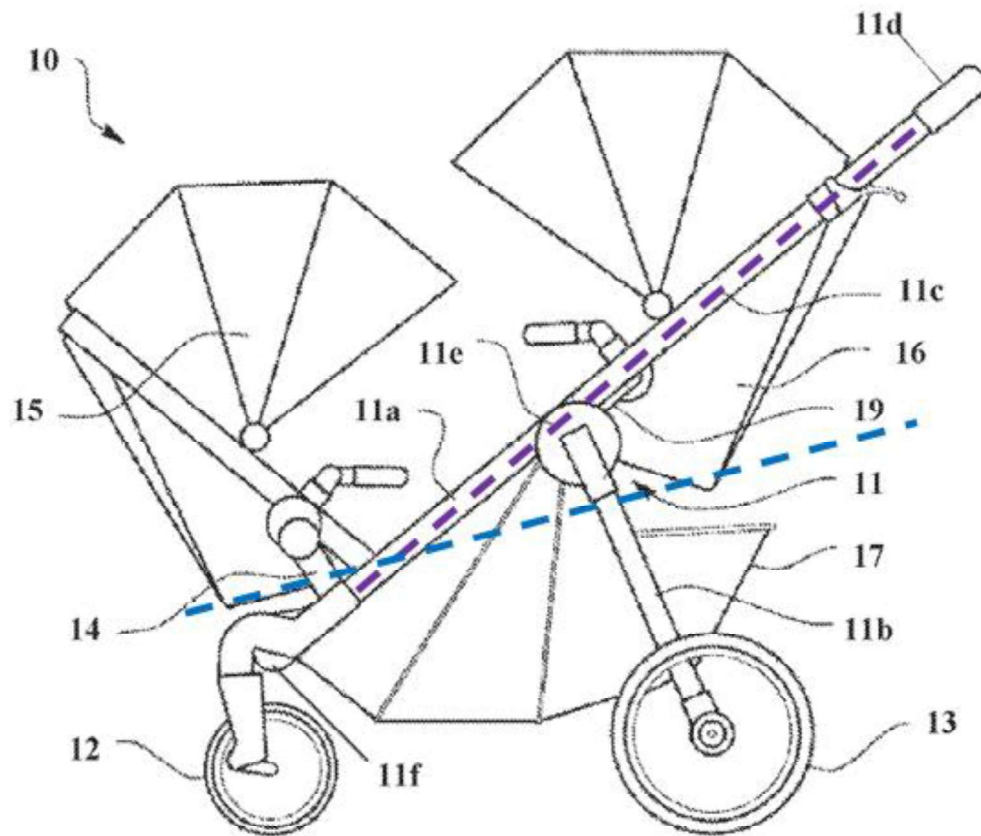


FIG. 2

### EX1047, Rolicki, Fig. 2 (Annotated)

329. Significantly, the configuration of seats in Rolicki is more along the plane than the embodiments of the '771 patent. Thus, Rolicki meets this limitation.



EX1011, '771 Patent, Fig. 8A (Annotated)

330. Therefore, Rolicki discloses or renders obvious claim limitation [1.5e].

331. As such, Rolicki anticipates or renders obvious claim 1.

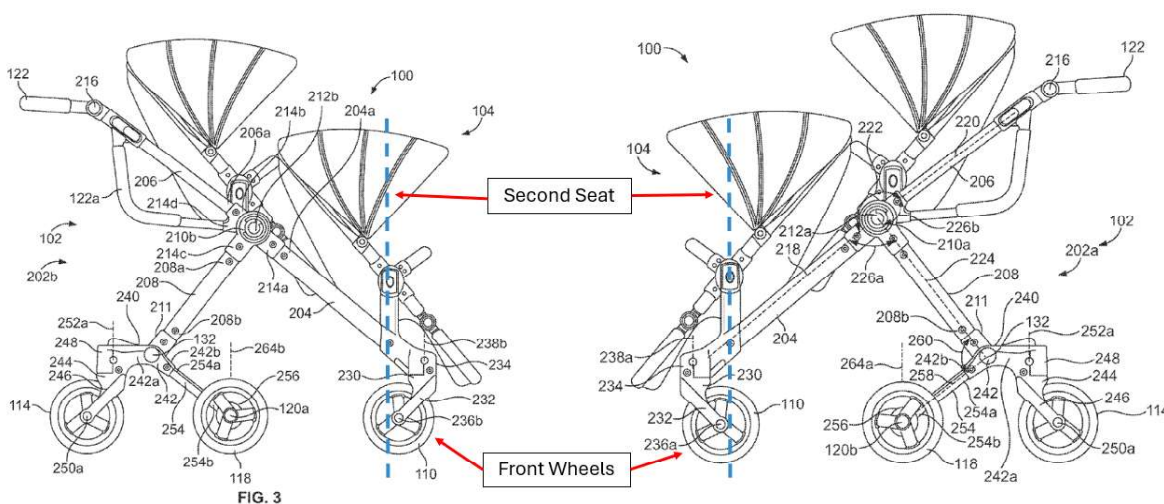
... [2.0] *The stroller of claim 1, wherein the second seat is connectable above the two front wheels.*

... [3.0] *The stroller of claim 2, wherein above the two front wheels is substantially over the two front wheels.*

332. As shown in at least Figure 2, Rolicki discloses that the second seat is



connectable to the frame at both above and substantially over the two front wheels.



**EX1047, Rolicki, Figs. 2-3 (Annotated)**

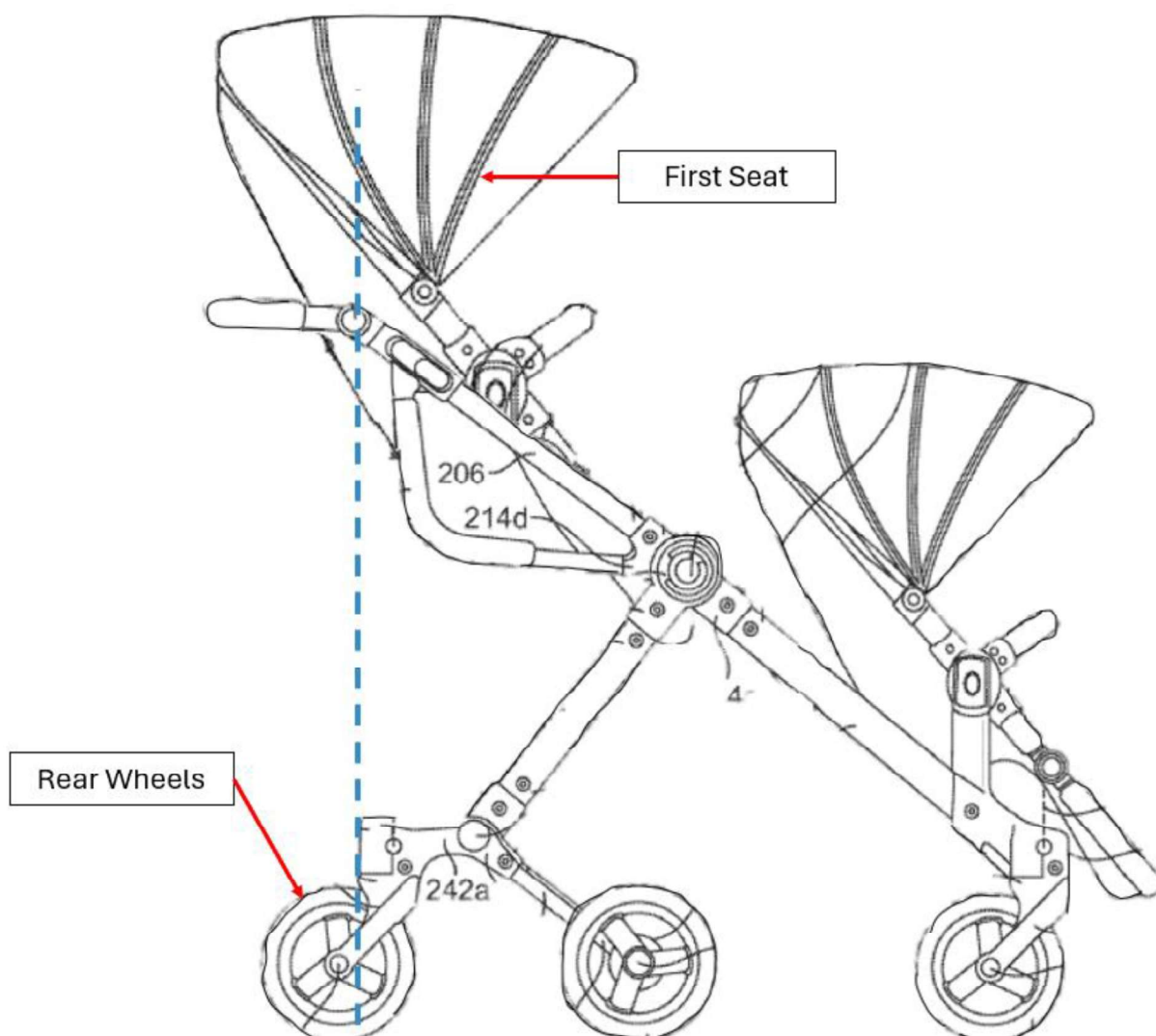
333. Therefore, Rolicki discloses or renders obvious claims 2 and 3.

*... [4.0] The stroller of claim 3, wherein the first seat is connected to the stroller frame substantially over the two rear wheels so that a center of gravity of the stroller is between the front and rear wheels.*

334. Rolicki discloses the upper seat connected to the stroller frame substantially over the two rear wheels.

335. As discussed above, a POSITA could understand Rolicki to have four rear wheels (114 and 118), and the upper seat 106 (“first seat”) is connected to the stroller frame substantially over at least two of the rear wheels (118). Moreover, Rolicki also discloses that the first seat can be connected to the stroller frame substantially over the other rear wheels (114). Indeed, Rolicki discloses that “the seat mounts 108 may be adjusted along the frame 102 to adjust a position of the

infant seats 106 relative to the frame 102 and/or each other.” (EX1047, Rolicki, 3:61-64, see also Fig. 3 as modified below.) Thus, Rolicki discloses that the upper seat could be adjusted higher towards the handle, thereby increasing the overlap of the seat and rear wheels 114 to meet the “substantially over” limitation.



**EX1047, Rolicki, Fig. 3 (Modified and Annotated)**

336. Regarding center of gravity, Rolicki has the front wheels 110 located near the very front of the stroller and the two outer rear wheels 114 located near

the very rear of the stroller. The front seat (“second seat”) and the rear seat (“first seat”) are attached and supported over or between the front and rear wheels. This results in the center of gravity of the stroller being between the front and rear wheels. Additionally, Rolicki has a large central mass in the form of the other rear wheels (“intermediate wheel 118”) and its associated frame assembly, which further confirms that the center of gravity of the stroller 100 is between the front and rear wheels.

[T]he **intermediate wheels 118** are positioned closer to the rear wheels 114 than to the front wheels 110. However, in other examples, **the intermediate wheels 118 may be disposed at approximately a midpoint between the front and rear wheels 110, 114.**

(EX1047, Rolicki, 4:15-19.)

337. Therefore, Rolicki discloses or renders obvious claim 4.

... *[5.0] The stroller of claim 4, wherein the seat attachments have connector portions configured to connect to the right and left support members.*

338. As I discussed above in claim 1, Rolicki has left and right lower “seat mounts 108” for attaching the lower seat 106 (“second seat”) to the stroller frame 102. (EX1047, Rolicki, 3:51-64, 13:1-9, Fig. 10.) Rolicki discloses that the seat attachments (“seat mounts 108”) each have a lower end portion (“connector portion”) that connects to the frame 102 either directly or via a “housing 902.”

(EX1047, Rolicki, 13:1-9.) (See annotations in Fig. 10).

339. The removable adapters (Figure 10) are disclosed as including “a lock or latch mechanism securing the seat mounts 108 to the ‘housing 902’ and/or the frame 102[.]” (EX1047, 13:1-9.) The “locks” or “latches” would be understood by a POSITA as being located on the lower portion of the “seat mounts 108” received in the “pocket 1002” of the “frame 102” or “housing 902.” (EX1047, Rolicki, 13:1-9.) I have indicated a portion near the bottom of the “seat mount 108” as being the “connector portion.” Therefore, “connector portions” are disclosed by the “lower portions of the seat mounts 108” or, alternatively, by the combination of the lower portions plus the “locks” or “latches.”

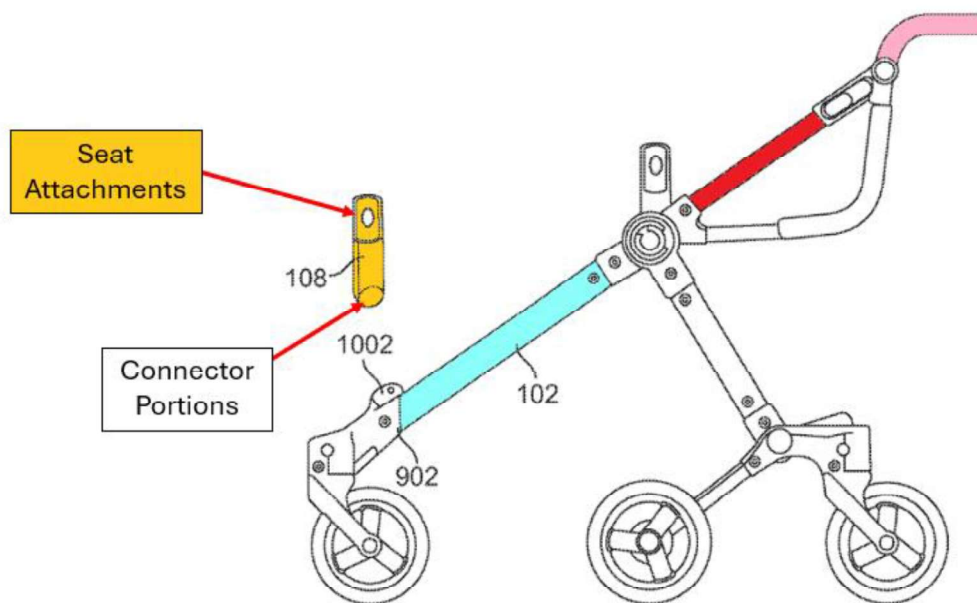


FIG. 10

EX1047, Rolicki, Fig. 10 (Annotated)

340. As discussed above, the “connector portions” are received in pockets “1002” of the “frame 102<sup>22</sup>” or “housings 902.” Based on Figure 10, a POSITA would understand that the “pockets 1002” would be on the “lower frame supports 204” (light blue), which are the lower portions of the “foldable support members.”

341. Additionally, the “housings 902” are directly coupled to the “lower frame supports 204” and thus are part of the “foldable support portions” as shown in Figure 10.

342. Therefore, Rolicki discloses “the seat attachments have connector portions configured to connect to the right and left support members.”

343. Therefore, Rolicki discloses or renders obvious claim 5.

---

<sup>22</sup> The specification incorrectly calls the frame as “202” in some passages.

*... [6.0] The stroller of claim 5, wherein the seat attachments have seat attachment elements configured to releasably support the second seat in either the forward or backward facing position.*

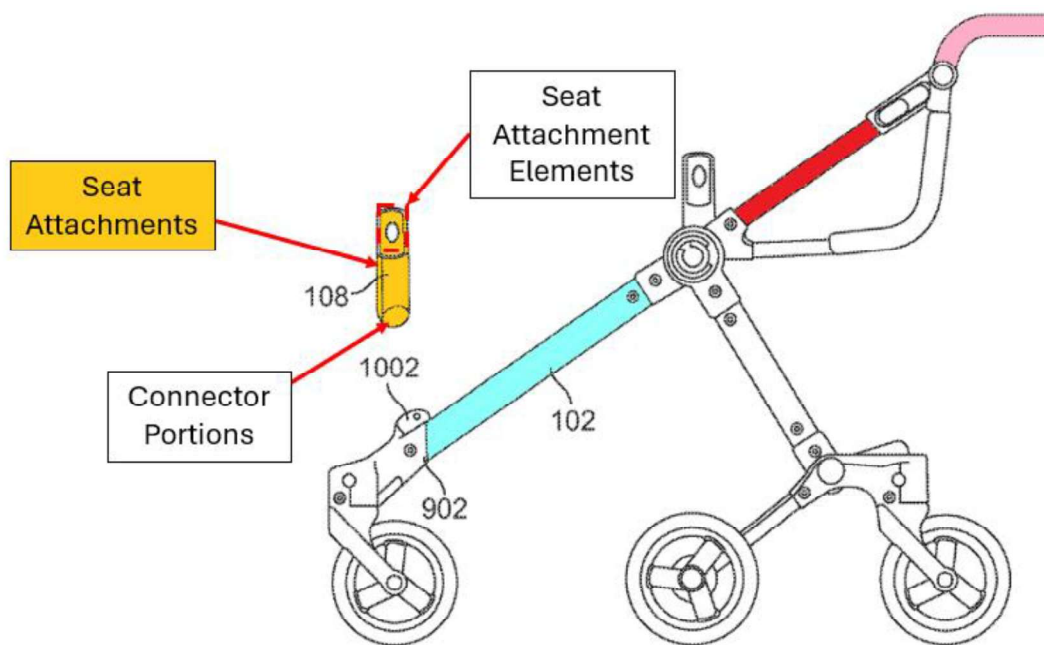


FIG. 10

**EX1047, Rolicki, Fig. 10 (Annotated)**

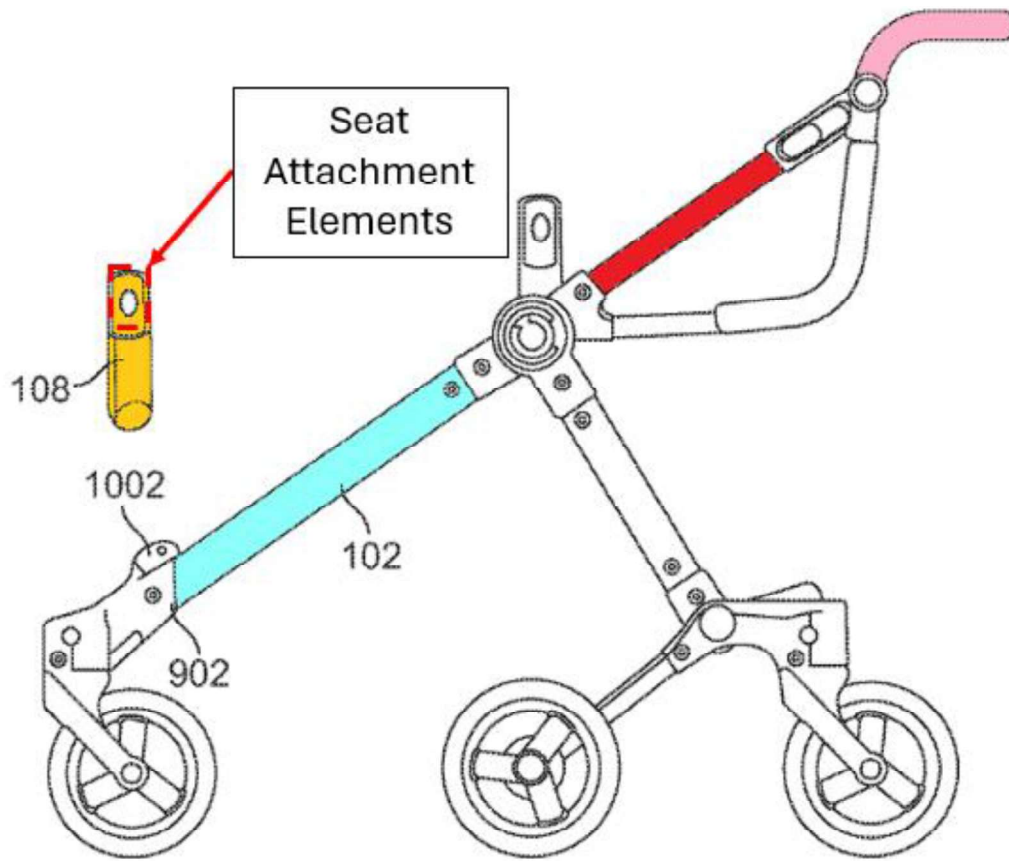
344. Rolicki discloses the “seat mounts 108” (“seat attachments”) have “interfaces” that are removably connected (“releasably support”) the seats 106 via a latch or connector.

To support the infant seats 106, the frame 102 of the illustrated example includes one or more infant seats mounts 108. More specifically, **the infant seats 106 removably couple to the seat mounts 108 via an interface (e.g., a latch or connector) provided by the seats 106 and the seat mounts 108.** To remove the infant

seats 106 from the seat mounts 108, a connector defined by the interface is released via a release (e.g., a spring-loaded push button).

(EX1047, Rolicki, 3:53-61.)

345. Rolicki's "interface" is a "seat attachment element" since it is the component used to attach and releasably support the "seat 106" to the "seat mount 108." I have placed a dashed red box around the interface portion of the seat mounts 108 ("seat attachment elements") in the below annotated figure of Rolicki.



**FIG. 10**

**EX1047, Rolicki, Fig. 10**

346. Rolicki discloses that the “seat attachments” (“interface”) are configured to releasably support the second seat in either the forward or backward facing position and thus meets one of the claimed alternatives. In Figure 1, Rolicki discloses the “second seat” being connectable in the forward configuration and thus meets the claim.

347. Rolicki further discloses that the second seat is releasably supported



by the seat attachment elements in both forward and backward facing positions for the reasons I discussed in claim limitation [1.5d].

348. Therefore, Rolicki discloses or renders obvious claim 6.

*... [7.0] The stroller of claim 6, wherein the right support member includes a right attachment portion and the left support member includes a left attachment portion, the right and left attachment portions configured to support the connector portions of the seat attachments.*

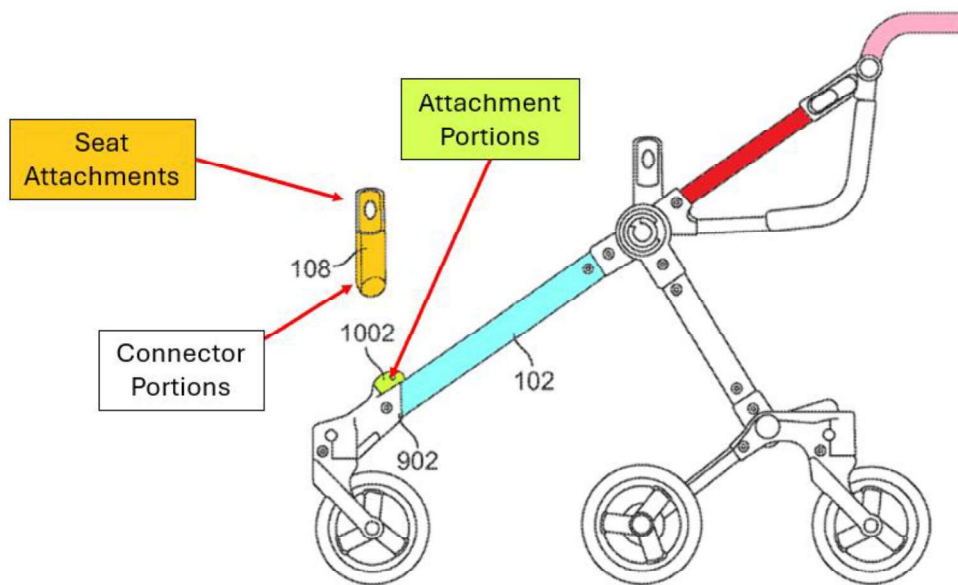


FIG. 10

**EX1047, Rolicki, Fig. 10 (Annotated)**

349. As I discussed above in claims 1 and 5, the lower ends of the right and left seat mounts 108 (“connector portions”) are received in the “openings 1002” of the frame 202. (EX1047, Rolicki, 13:1-9.) Thus, Rolicki discloses the “opening

1002” (or the physical structure that defines the opening) to be an “attachment portion” (green) as it is the portion of the “foldable support member” (red/light blue) that attaches with the “connector portions” (lower end of the seat mounts 108). As disclosed by Rolicki, the “connector portions” of the seat mounts 108 are received within the openings 1002 (“right and left attachment portions”) to attach the seat mounts 108 (“seat attachments”) to the “lower frame supports 204” of the frame 102. (EX1047, Rolicki, 13:1-9.)

350. Rolicki also discloses the “opening 1002” can be formed in a “connector 902.”

In some examples, the **seat mounts 108 may be removed relative to the frame 102** prior to or after the stroller 100 is in the folded position 800. For example, Fig. 10 illustrates the example seat mounts 108 being **removed from an opening or pocket 1002 of the connector 902 or the frame 202**. To remove the seat mounts 108 from the connector 902 and/or the frame 102, a lock or latch mechanism securing the seat mounts 108 to the connector 902 and/or the frame 102 is released and the seat mount 108 is removed from the opening 1002.

(EX1047, Rolicki, 13:1-9.)

351. The “connectors 902” are shown fastened to the lower ends of the “lower frame supports 204” (light blue) and thus are “attachment portions” of the “foldable support members.” (EX1047, Rolicki, Fig. 10; 7:4-9.) The “connectors

902” are “configured to support the “connector portions” of the seat mounts 108.”  
(EX1047, Rolicki, 13:1-9.)

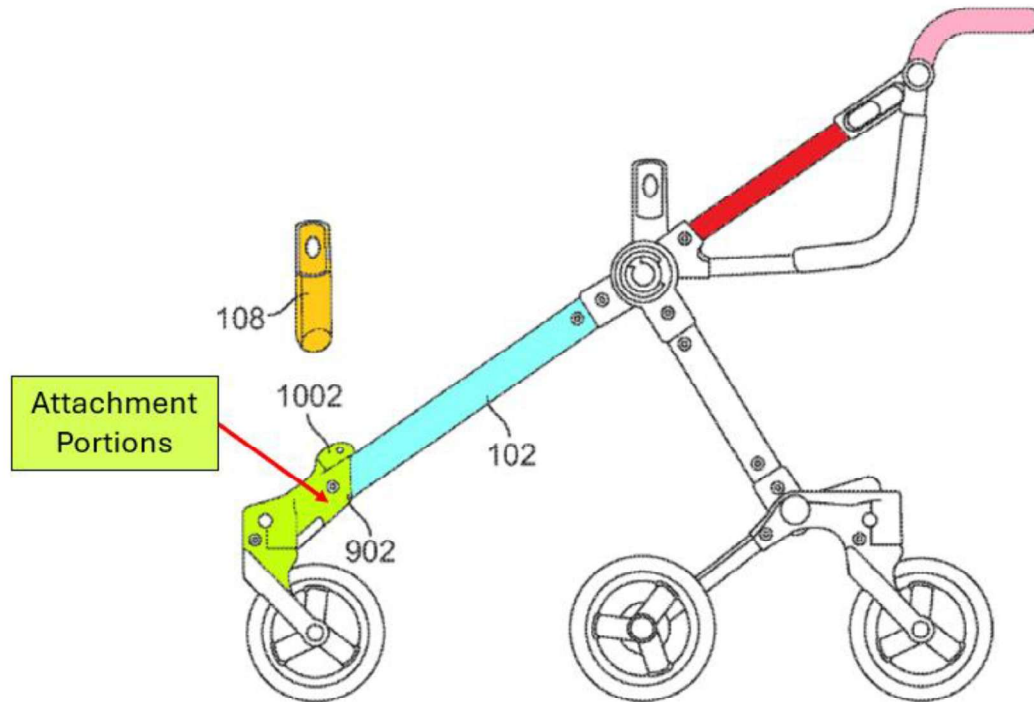
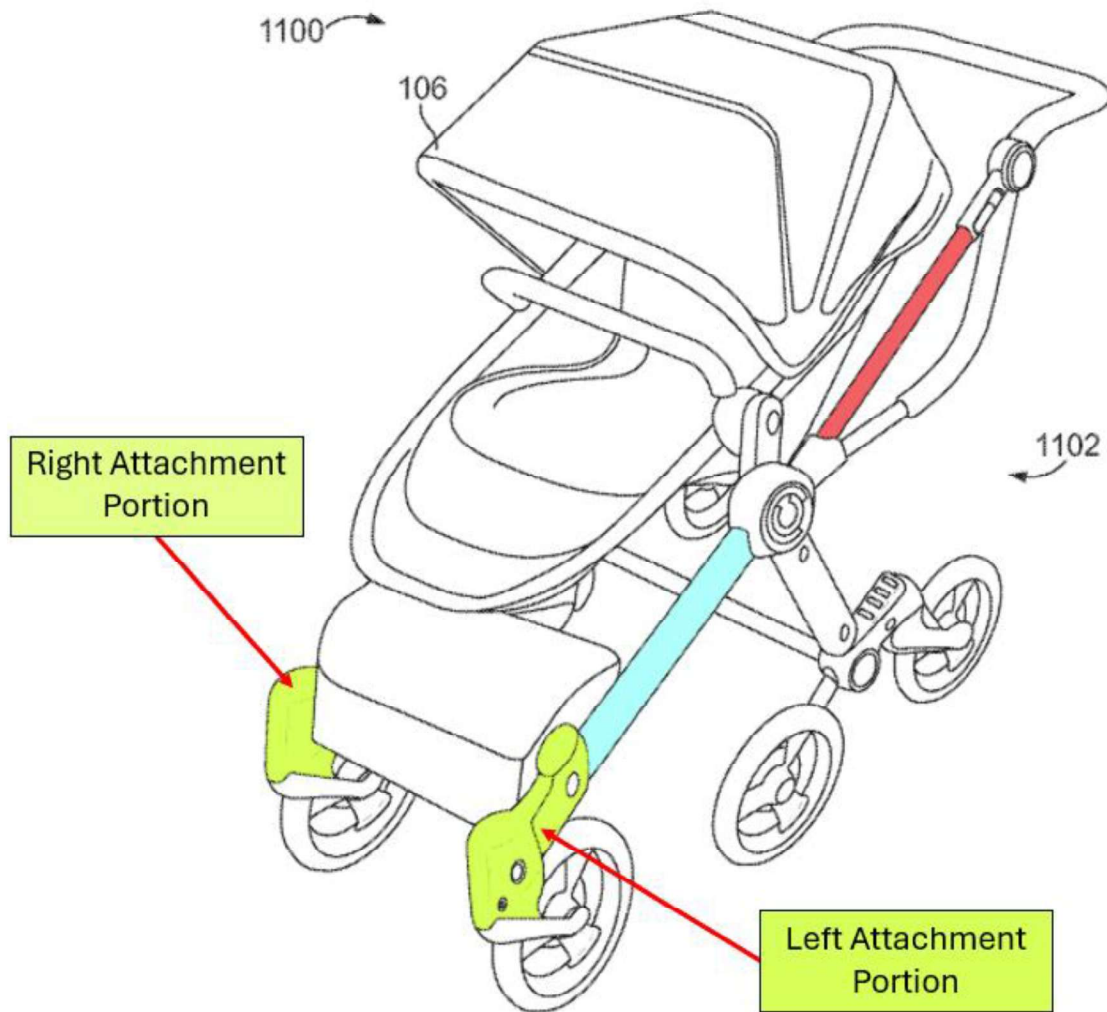


FIG. 10

EX1047, Rolicki, Fig. 10 (Annotated)



**EX1047, Rolicki, Fig. 11 (Annotated)**

352. I have annotated the left/right attachment portions in green above.

353. Therefore, Rolicki discloses or renders obvious claim 7.

*... [8.0] The stroller of claim 7, wherein the right and left attachment portions define right and left slots configured to receive the connector portions of the seat elements.*

354. The text of Rolicki uses the term “opening” and does not explicitly state that the opening 1002 is a “slot.” The word “slot” denotes an opening that is elongated, usually rectangular. Figures 9 and 10 illustrate “seat mounts 108” as having a rectangular cross section. A POSITA would have understood that the “opening 1002” would have a shape matching the seat mount 108. As such, the “opening 1002” would have a rectangular cross section. A POSITA would have understood the rectangular opening 1002 to be a “slot.”

355. Indeed, Figure 11 shows the stroller with the lower seat mounts removed illustrating the “slots” that receive the lower ends of the seat mounts 108.

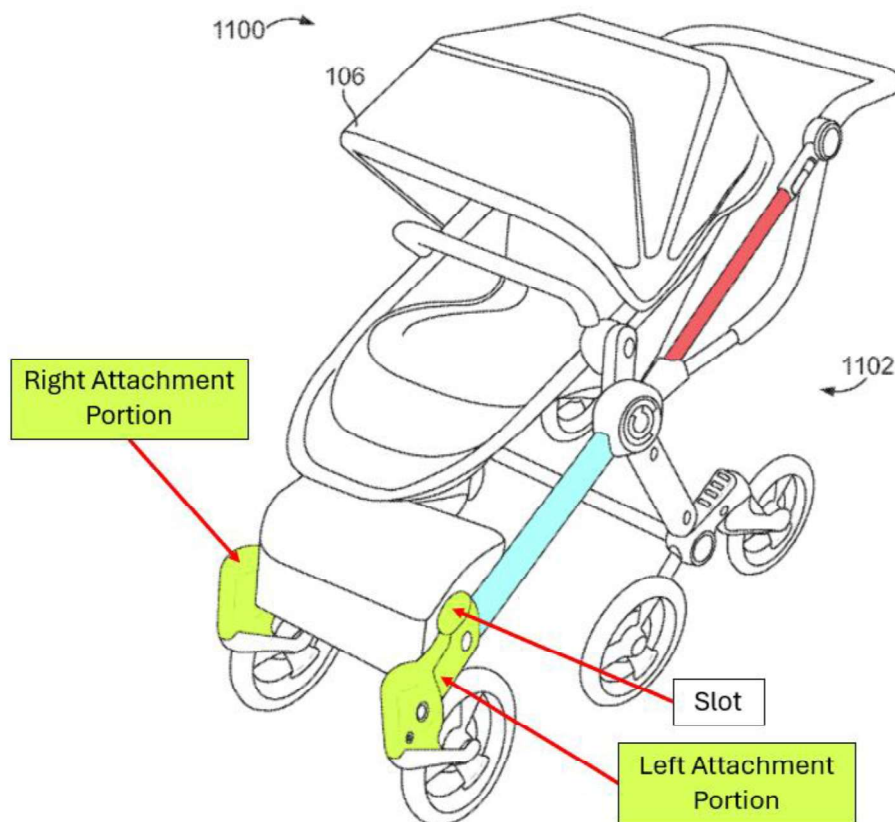


FIG. 11

**EX1047, Rolicki, Fig. 11 (Annotated)**

356. Moreover, to the extent the openings 1002 are not technically “slots,” the shape of the opening is a mere obvious design choice to any POSITA. A POSITA would have understood that the cross-sectional shape of the seat mounts 108 could be many different shapes and still function as disclosed by Rolicki. In fact, the '771 Patent interchangeably uses the terms “opening” and “slot” when in describing void spaces. For example, the void space in Figure 1 is called “slot 18” whereas the rectangular void space in Figure 11 is called “opening 1130.” Thus, I do not believe “slot” is limited to any particular shape, and even if it is, it would

have been obvious to modify the shape of the “openings 1002” to be a rectangular slot.

357. Therefore, Rolicki discloses or renders obvious claim 8.

*... [9.0] The stroller of claim 8, wherein the right and left support members include a pair of tubular structures.*

358. Rolicki discloses the frame supports 204/206 of the frame assemblies 202a, 202b as being elongate. Rolicki merely does not state if the frame assemblies 202a, 202b (“right and left support members”) are hollow or solid. However, Rolicki discloses that portions of the frame, e.g., the “handle 122” is formed of a tube. A POSITA would have understood that the “frame assemblies” (202a, 202b) would have the same construction as the handle 122.”

The handle 122 of the illustrated example extends between the side frame assemblies 202a, 202b and may be formed from a single **tube** that is bent into a generally U-shaped structure.

(EX1047, Rolicki, 5:43-46.)

359. Moreover, a POSITA would have found it to be a mere obvious design choice to form the frame assemblies 202a, 202b from tubes just like the “handle 122.” Indeed, tubes were and have been almost exclusively used to form stroller frames for decades. (See e.g., EX1048, Britax, Fig. 3 showing hollow tubes 12 and 10 of the foldable support members.)

360. Furthermore, constructing the support member from a solid material

would be more costly as a result of added materials and would add unnecessary weight to the stroller, which in many cases would have to be regularly lifted into a vehicle by the user. Therefore, a POSITA would have found it obvious to form the frame supports 204/206 from tubes to save weight and reduce costs.

361. Therefore, Rolicki discloses or renders obvious claim 9.

*... [10.0] The stroller of claim 9, wherein the frame further comprises a rear wheel support portion and wherein the rear wheels are coupled to the rear wheel support portion.*

362. Rolicki discloses a “rear wheel support portion.”

Referring to Figs. 2 and 3, **each of the side frame assemblies 202a, 202b** of the illustrated example **includes** a lower frame support 204, an upper frame support 206, and an **intermediate frame support 208**.

(EX1047, Rolicki, 5:47–50.)

363. The “rear wheels 114” are coupled to the “intermediate support frame 208” via a “carriage 240.”

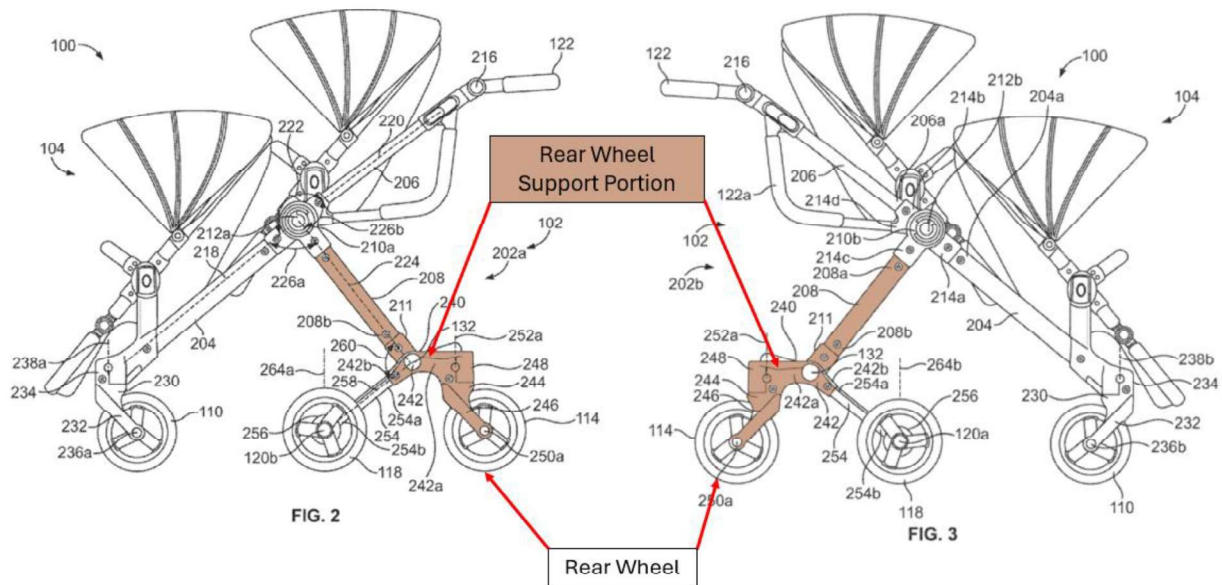
**To mount or attach the rear wheels 114** and the intermediate wheels 118 to the respective side frame assemblies 202a, 202b, each of the side assemblies 202a, 202b of the illustrated example employs a housing or **carriage 240** (e.g., a boogie).

(EX1047, Rolicki, 7:25-30.)

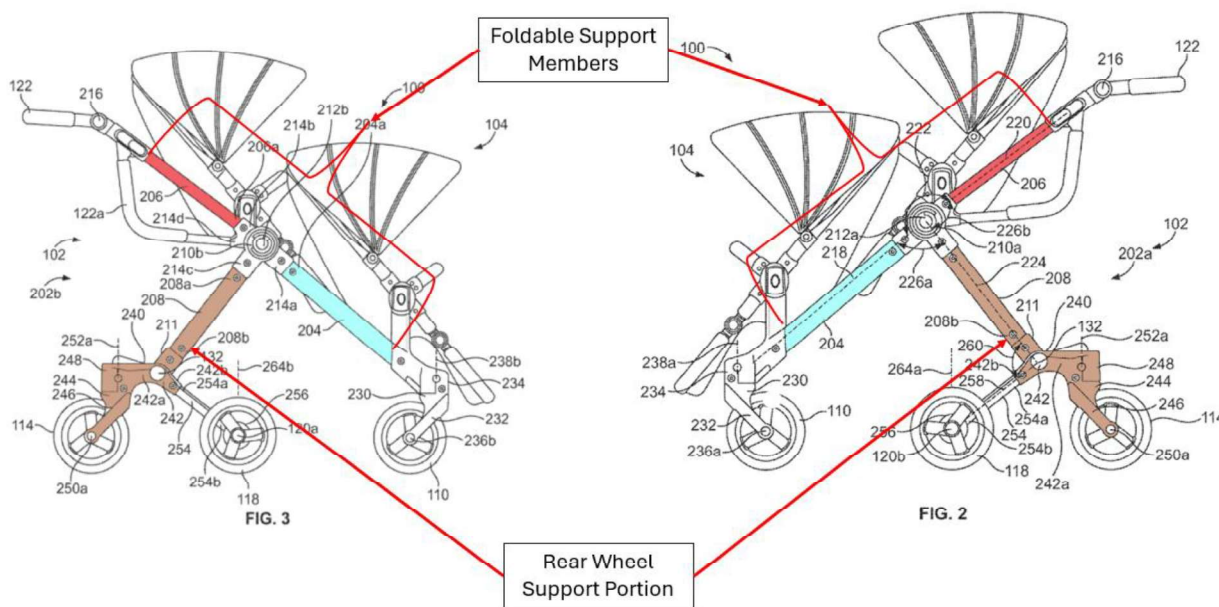
364. Thus, Rolicki discloses a “rear wheel support portion” of a frame in the form of the “intermediate frame support 208” and “carriage 240” (both shaded



brown), which connects to and supports the rear wheels 114.



... [11.0] *The stroller of claim 10, wherein the rear wheel support portion is attached to the left and right foldable members.*



EX1047, Rolicki, Fig. 2 (Annotated)

366. Rolicki discloses that the “intermediate frame supports 208” of the “rear wheel support portion” are attached to the upper and lower frame supports 204, 206 (“foldable support members”) at the pivot joints 210a, 210b (red circle).

For the purpose of enabling the stroller 100 of the illustrated example to fold or collapse in at least one direction, **the frame supports 204, 206 and 208 of the first side frame assembly 202a are pivotally coupled via a first pivot connector or pivot joint 210a . . . Similarly, the frame supports 204, 206 and 208 of the second side frame assembly 202b are pivotally coupled at a second pivot connector or pivot joint 210b.**

(EX1047, Rolicki, 5:56-6:02.)

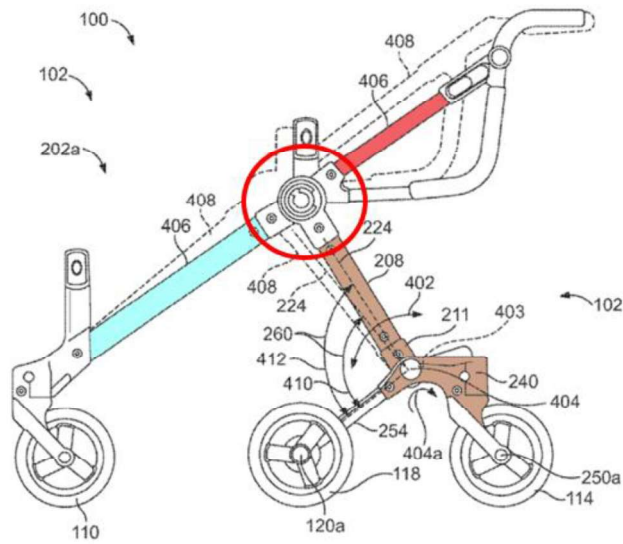
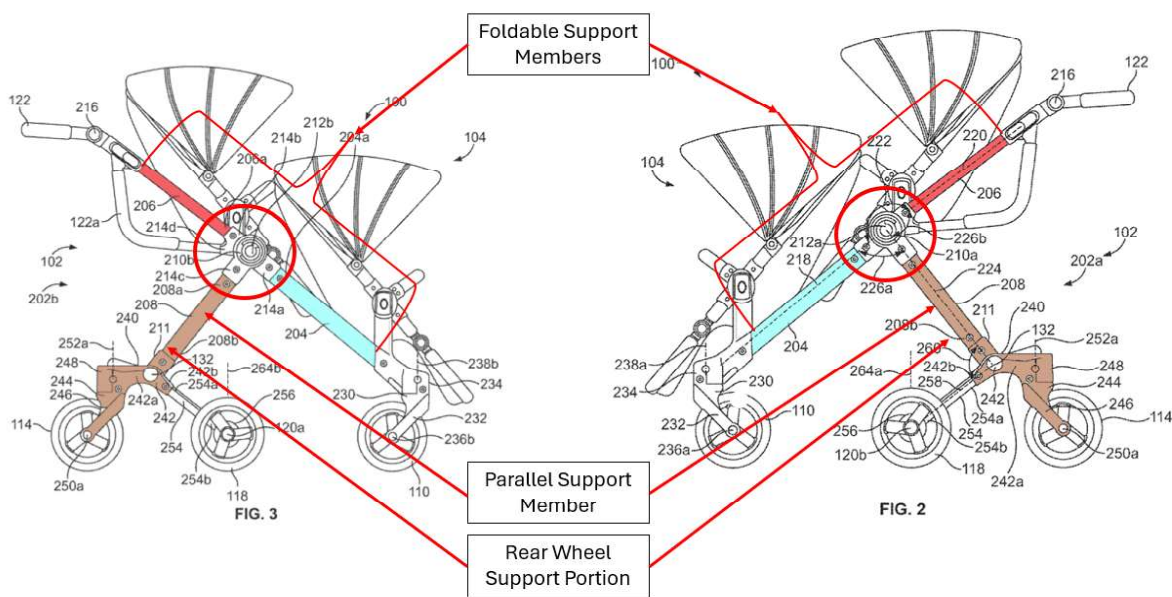


FIG. 4

**EX1047, Rolicki, Fig. 4**

367. Therefore, Rolicki discloses or renders obvious claim 11.

... [12.0] The stroller of claim 11, wherein the rear wheel support portion includes a pair of parallel support members connected to the left and right foldable support members.



**EX1047, Rolicki, Fig. 2 and 3 (Annotated)**

368. Rolicki discloses that the “frame supports 208” of the “rear wheel support portion” are connected to the right and left “foldable support members” to form the side frame assemblies 202a and 202b. Indeed, each of the “frame supports 208” is connected to the “foldable support members” by the “pivot joints” (210a/210b). (EX1047, Rolicki, 5:56-6:02.)

369. Rolicki further states: “the first and second side frame assemblies 202a, 202b of the illustrated example, which include the rear wheel support portions, are substantially similar or identical and are symmetrical.” (EX1047, Rolicki, 5:40-43.) Thus, Rolicki discloses that the “intermediate frame support

208” on the right-hand side would be “substantially similar or identical and ... symmetrical” to the intermediate frame support 208 on the left-hand side.

Fig. 2 illustrates a first or left side view of the stroller 100. Fig. 3 illustrates a second or right side view of the example stroller 100 of Fig. 1. Referring to Figs. 2 and 3, **the frame 102 of the illustrated example includes a first side frame assembly 202a laterally spaced from a second side frame assembly 202b to define the seating area 104.** The first and second **side frame assemblies 202a, 202b of the illustrated example are substantially similar or identical and are symmetrical.** The handle 122 of the illustrated example extends between the side frame assemblies 202a, 202b and may be formed from a single tube that is bent into a generally U-shaped structure.

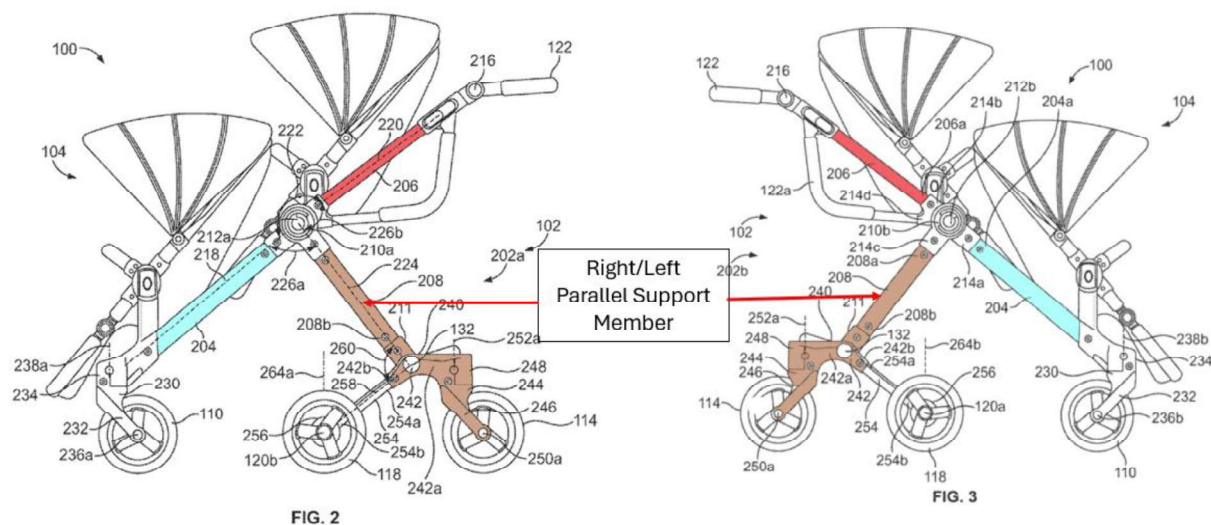
Referring to Figs. 2 and 3, each of the side frame assemblies 202a, 202b of the illustrated example includes a lower frame support 204, an upper frame support 206, and an intermediate frame support 208. In the illustrated example, the frame supports 204, 206 and 208 have a substantially linear profile (e.g., a straight and/or flat profile).

However, in other examples, the frame supports 204, 206 and 208 may be any shape, including a generally curved shape or a shape having one or more curved and/or linear portions.

(EX1047, Rolicki, 5:35–55.)

370. Because the frame assemblies 202a and 202b, which include the “frame support 208,” have a substantially linear profile, a POSITA would understand the right/left “intermediate frame supports 208” are “a pair of parallel

support members connected to the left and right foldable support members.”



### EX1047, Rolicki, Figs. 2 and 3

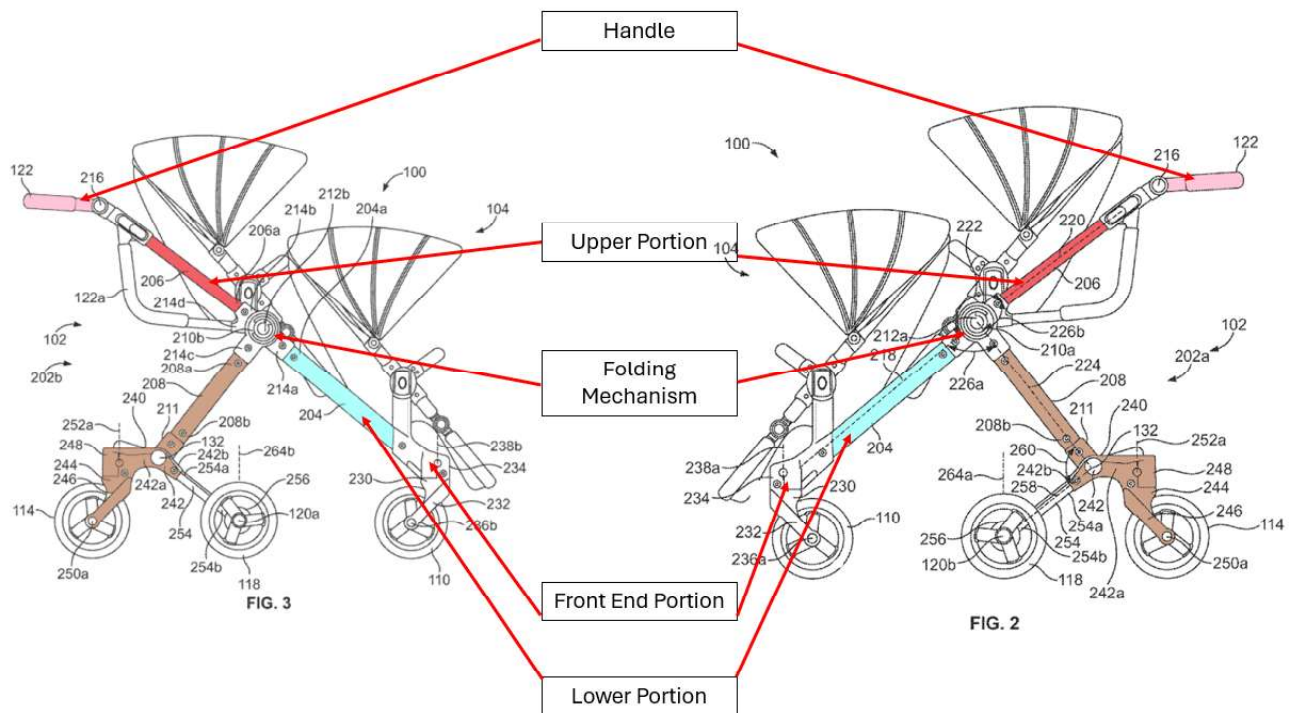
371. Therefore, Rolicki discloses or renders obvious claim 12.

... [13.0] *The stroller of claim 1, further comprising a folding mechanism dividing the left and right foldable members into upper and lower portions, wherein the upper portion of the left and right foldable members is adjacent the handle portion and wherein the lower portion of the left and right foldable members is adjacent to the front end portion.*

372. As I discussed in claim limitation [1.3] Rolicki discloses pivot joints 210a and 210b (“folding mechanisms”). Each of the pivot joints 210 divides the frame assembly 202a/202b into upper portions (upper frame supports 206) and lower portions (lower frame supports 204). Therefore, the pivot joints 210a, 210b form “a folding mechanism (pink) dividing the left and right foldable members



into upper and lower portions.

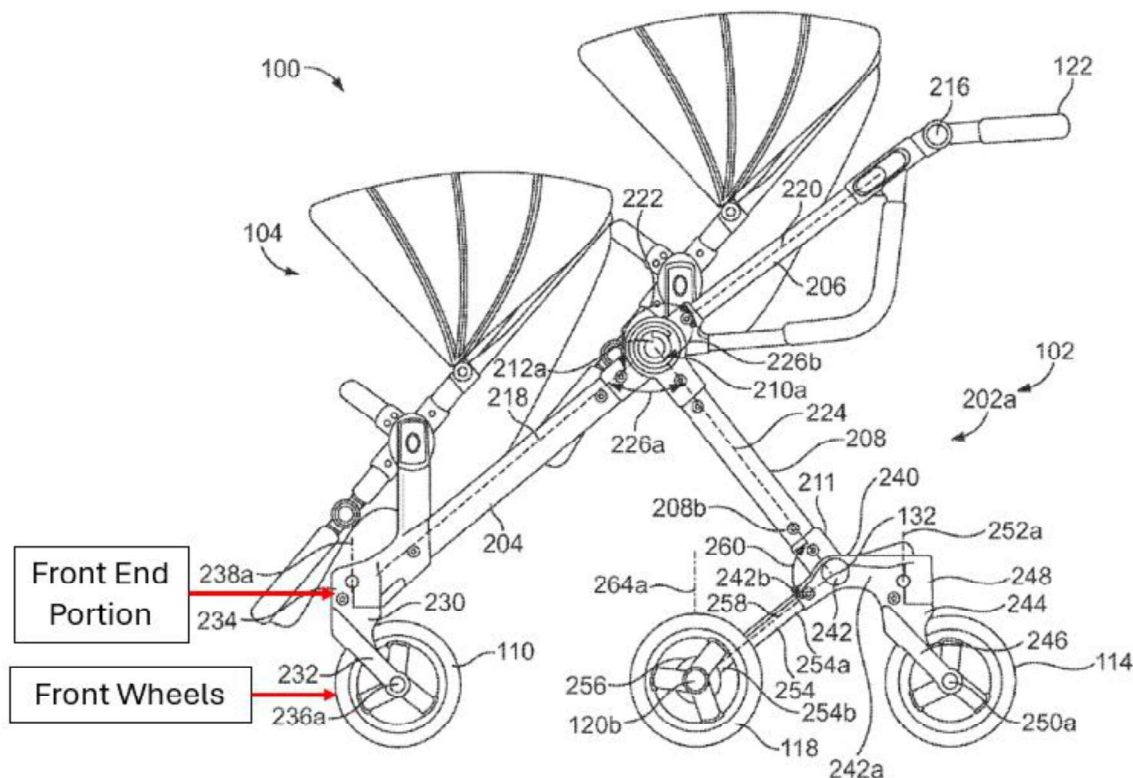


**EX1047, Rolicki, Figs. 2 and 3 (Annotated)**

373. Each of the “lower portions” are connected the front end portion and thus are adjacent to the front end portion. Each of the “upper portions” are connected to the handle portion (pink) and thus are adjacent to the handle portion.

374. Therefore, Rolicki discloses or renders obvious claim 13.

*... [14.0] The stroller of claim 13, wherein the front end portion is coupled to the two front wheels.*



**EX1047, Rolicki, Fig. 2 (Annotated)**

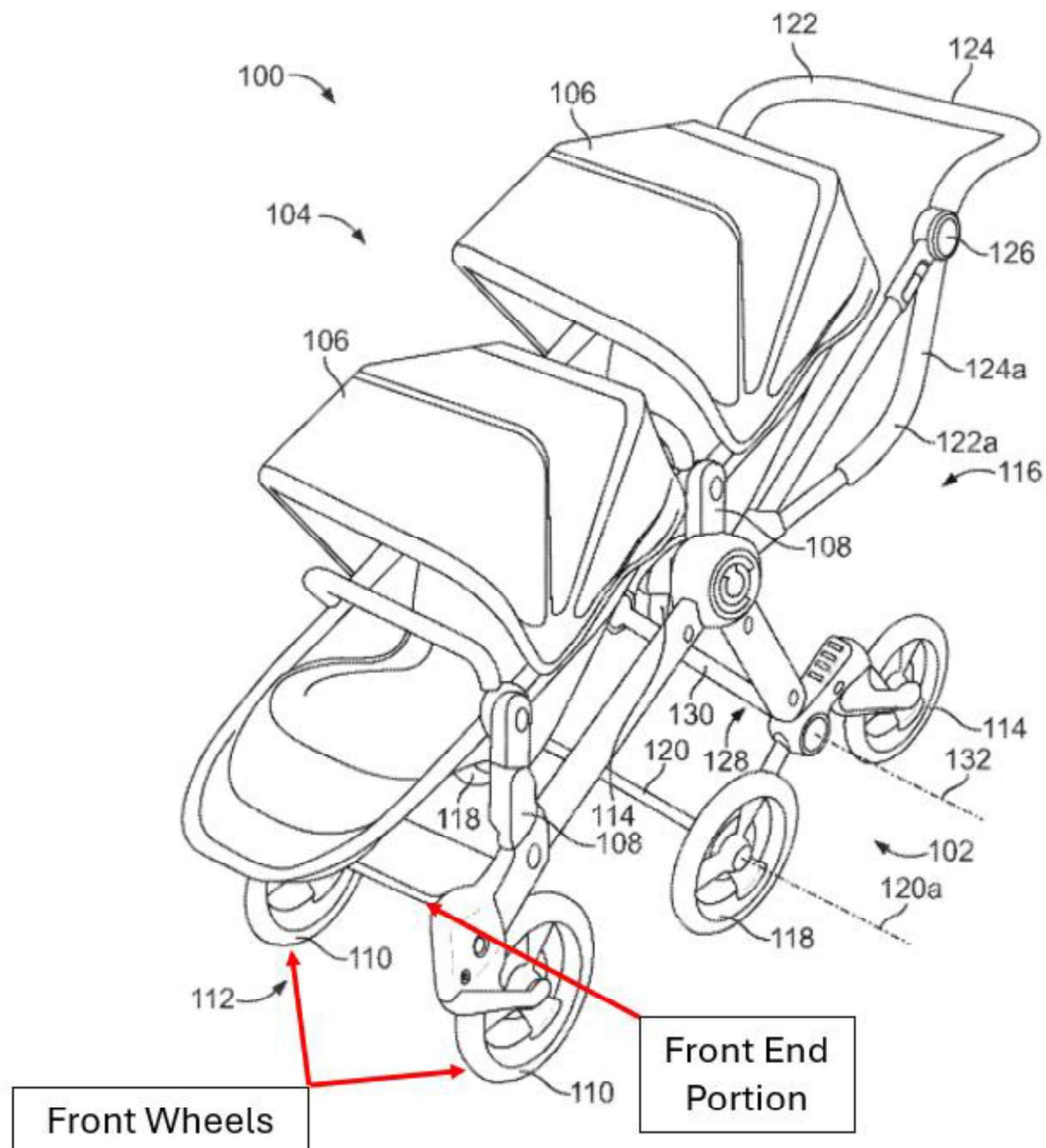
375. Rolicki discloses that the front wheels are located at the very front of the stroller 110. As shown in Figures 2 and 10, the “wheel housings 230” are the front-most components of the frame 102 and thus are part of the previously identified “front end portion,” which also includes the front cross member shaded purple in claim 1.

Referring to Figs. 2 and 3, **to mount or attach the front wheels 110 of the illustrated example to respective ones of the side frame**



assemblies 202a, 202b, each of the front wheels 110 of the illustrated example includes a front wheel housing 230.

(EX1047, Rolicki, 7:4-8.)



EX1047, Rolicki, Figs. 1 (Annotated)

376. Therefore, Rolicki discloses, “the front end portion is coupled to the two front wheels.”

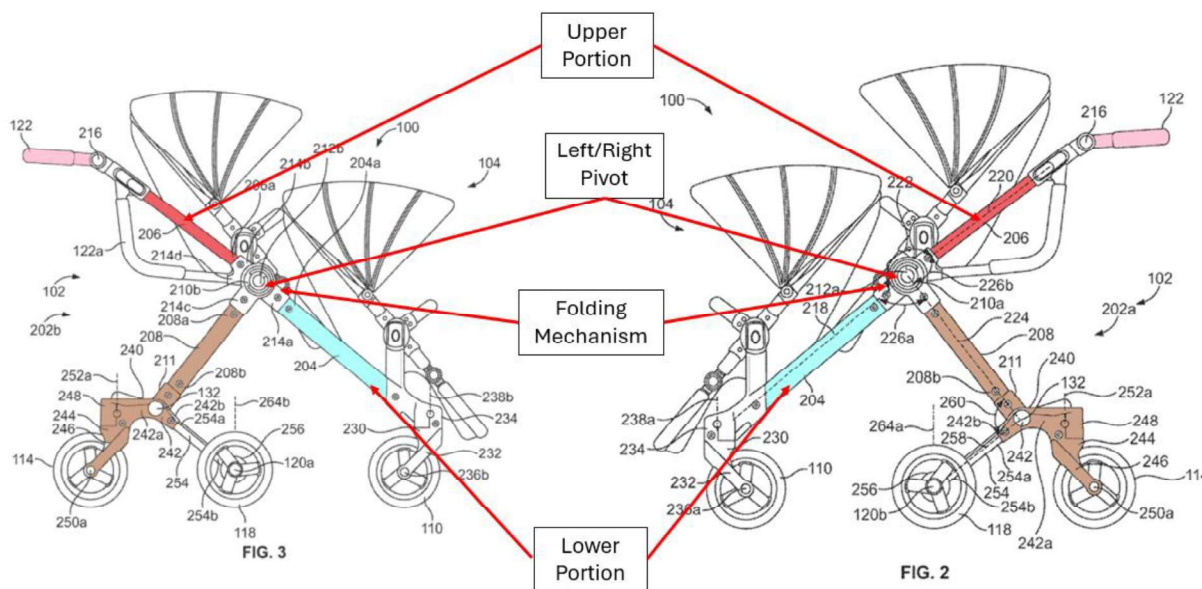
377. Therefore, Rolicki discloses or renders obvious claim 14.

***... [15.0] The stroller of claim 14, wherein the folding mechanism includes a pair of spaced apart pivots connecting the lower portion to the upper portion of the left and right foldable members.***

378. As I discussed in claims 1 and 13, the “folding mechanism” of Rolicki includes a pair of “pivot joints” 210a, 210b that each connect the lower portion (light blue) to the upper portion (red). The pivot joints 210 disclose “pivots” that allow the frame supports 204 and 206 (“lower/upper portions”) to pivot relative to each other when the stroller is folded. Each of the pivot joints 210 have a hub that connects with the frame supports 204, 206, 208 to pivotally couple them to each other.

Referring to Fig. 3, each of the **hubs 212a, 212b of the illustrated example includes a first leg or opening 214a to receive or couple to a first end 204a of the lower frame support 204, a second leg or opening 214b to receive or couple to a first end 206a of the upper frame support 206, and a third leg or opening 214c to receive or couple to a first end 208a of the intermediate frame support 208.** In this example, the hubs 212a, 212b also include a fourth leg or opening 214d to receive an end of the auxiliary handle 122a. **The legs 214a-c enable the frame supports 204, 206 and 208 to pivot relative to each other about the respective pivot connectors 210a, 210b** when a locking mechanism (e.g., a latch) of the hubs 212a, 212b is in a released or unlocked condition.

(EX1047, Rolicki, 6:9-21.)



EX1047, Rolicki, Fig. 2

379. Each side frame assembly 202a, 202b has a pivot joint 210. Therefore, the pivot joints are “a pair of spaced apart pivots.”

380. Therefore, Rolicki discloses or renders obvious claim 15. As such, in my opinion, Rolicki anticipates or renders obvious each claim of the '771 Patent.

**B. Ground 2 – Claims 1–15 are obvious in view of EP0980810A1 (“Gotting”) in view DE29810646 (“Britax”)**

**1. Analysis of claims 1–15**

*... [1.0] A stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint, comprising:*

381. I have been informed by counsel that preambles are ordinarily not limiting. Regardless, Gotting discloses limitation [1.0] as I explain below.

382. Gotting discloses a stroller that is convertible from a single seat configuration to a double seat configuration. Gotting discloses the stroller has a single seat configuration. The Gotting stroller can further be utilized in a double seat configuration to accommodate two children.

The design of the stroller makes it possible **to place just one seat** in the frame. It can be **used for a single child**.

(EX1041, Gotting, [0008].)

It is also possible to use the stroller with just one seat 10, 11.

(EX1041, Gotting, [0013].)

The invention relates to a **stroller for twins or siblings**, which has a frame to which a push bar, and front and rear wheels, are attached, and to which **two removable reclining seats are attached**.

(EX1041, Gotting, [0001].)

383. To add the second seat, the seat is attached to “adapters 12” on the support frame. (EX1041, Gotting, [0011]). It is clear to a POSITA that in adding this second seat, the Gotting stroller is converted from a single seat configuration to a double seat configuration—without increasing the footprint of the stroller. (EX1041, Gotting, [0003]-[0004].) In other words, the wheelbase does not change. Indeed, Gotting discloses a “basket 19” that remains mounted on both axles when in operation which would prevent any enlargement of the footprint. (EX1041, Gotting, [0011]).

384. Therefore, Gotting discloses a stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint.

385. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.0].

... *[1.1] two rear wheels;*

... *[1.2] only two front wheels;*

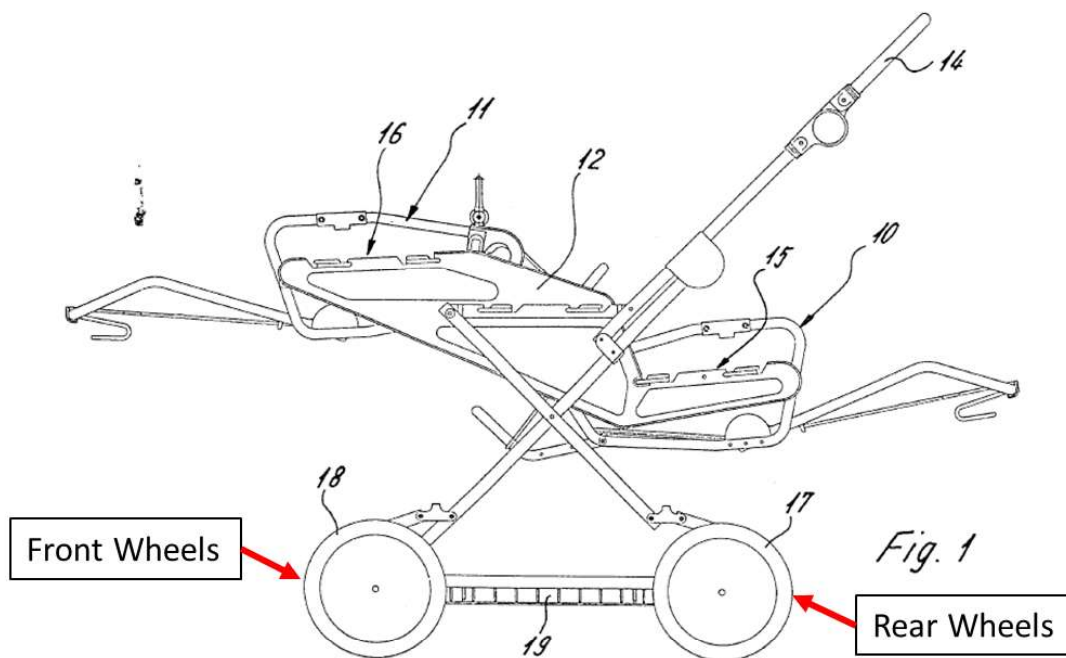
386. Gotting discloses a stroller with two rear wheels and two front wheels.

The invention relates to a stroller for twins or siblings, which has a frame to which a push bar, and front and rear wheels, are attached.

(EX1041, Gotting, [0001].)

A basket 19 is also placed between the front and rear axles for the wheels 17 and 18.

(EX1041, Gotting, [0011]).



**EX1041, Gotting, Fig. 1 (Annotated)**

387. Because Gotting only shows a single side-view of the stroller, one cannot discern if the stroller has *only* two front wheels. However, a POSITA would understand that it would be obvious, and a mere design choice, to only utilize two front wheels with the stroller, as many strollers in the art did at this time. (EX1051, Fig.1). Indeed, Gotting discloses the use of a single front axle for the wheels and a basket 19 that is mounted on the axle. (EX1041, Gotting, [0011]). Thus, a POSITA would understand that it is an obvious design choice to simply utilize a single front wheel on each end of the front axle. (EX1031, Hollie Schultz Dec., EX10–*The Baby Gizmo Buying Guide*, 291.)

388. Therefore, Gotting alone or in combination with Britax discloses or

renders obvious claim limitations [1.1] and [1.2].

*... [1.3] a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;*

389. Gotting discloses a “frame 13” supported by front and rear wheels 17 and 18. The invention relates to a stroller for twins or siblings, which has a frame to which a push bar, and front and rear wheels, are attached.

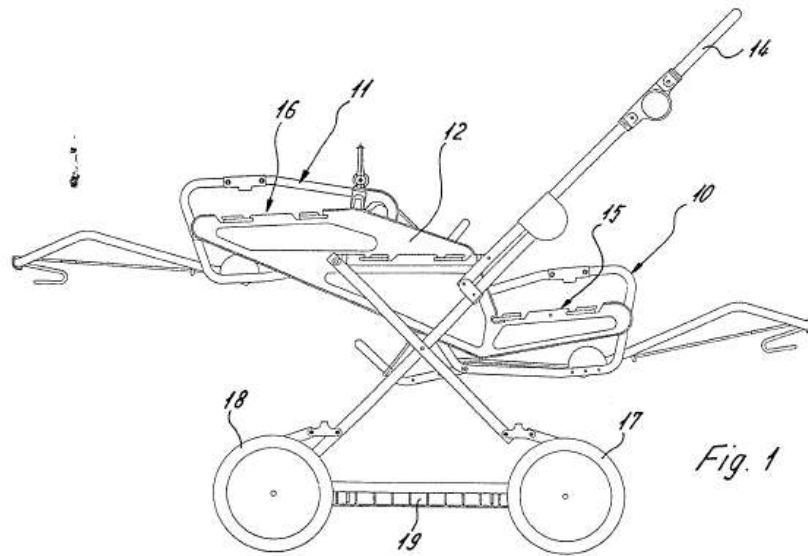
The invention relates to a stroller for twins or siblings, which has a frame to which a push bar, and front and rear wheels, are attached.

(EX1041, Gotting, ABSTRACT, Cover page.)

The front and rear wheels are also attached to the frame.

(EX1041, Gotting, [0011].)

390. Figure 1 illustrates the frame is clearly supported by the front and rear wheels.



**EX1041, Gotting, Fig. 1**

391. The front/rear wheels are attached in multiple locations to assist in evenly supporting the adapter and infant seats.

392. While only one front and one rear wheel is shown, a POSITA would have understood the stroller would be symmetrical with a corresponding pair of front and rear wheels located on the other side.

393. Gotting discloses a “frame 13” including a handle portion (pink). As discussed herein, “handle portion” means “the portion of frame coupled to the upper ends of the left and right upper tube support frame.”

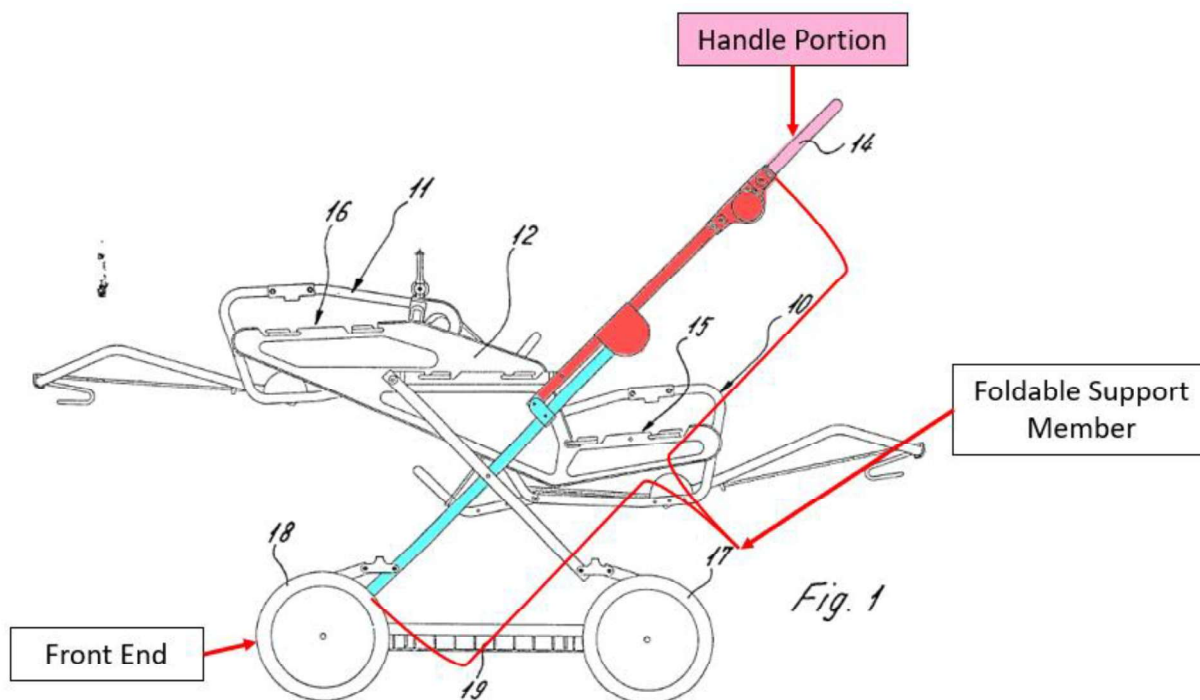
394. Gotting discloses a “handle portion” (pink) in the form of a “U-shaped push bar 14” having a U-portion that is coupled to the upper ends of the left and right upper tube supports (red).



*A U-shaped push bar 14 is also attached to the frame 13. . . . The frame 13 can be folded up in the conventional manner after removing seats 10, 11, at which point the push bar 14 can also be folded inward.*

(EX1041, Gotting, [0011].)

395. Gotting also discloses that the frame includes “left and right foldable support members extending from the handle portion towards a front end portion of the frame.” Figure 1 shows a side view of the left side of the stroller and illustrates a left upper tube support portion (red) and a left front wheel support tube (light blue), which collectively discloses “a first foldable support member.” The first foldable support member is coupled to and extending from the push bar 14 towards the front wheel at the “front end portion” of the frame.



**EX1041, Gotting, Fig. 1 (Annotated)**

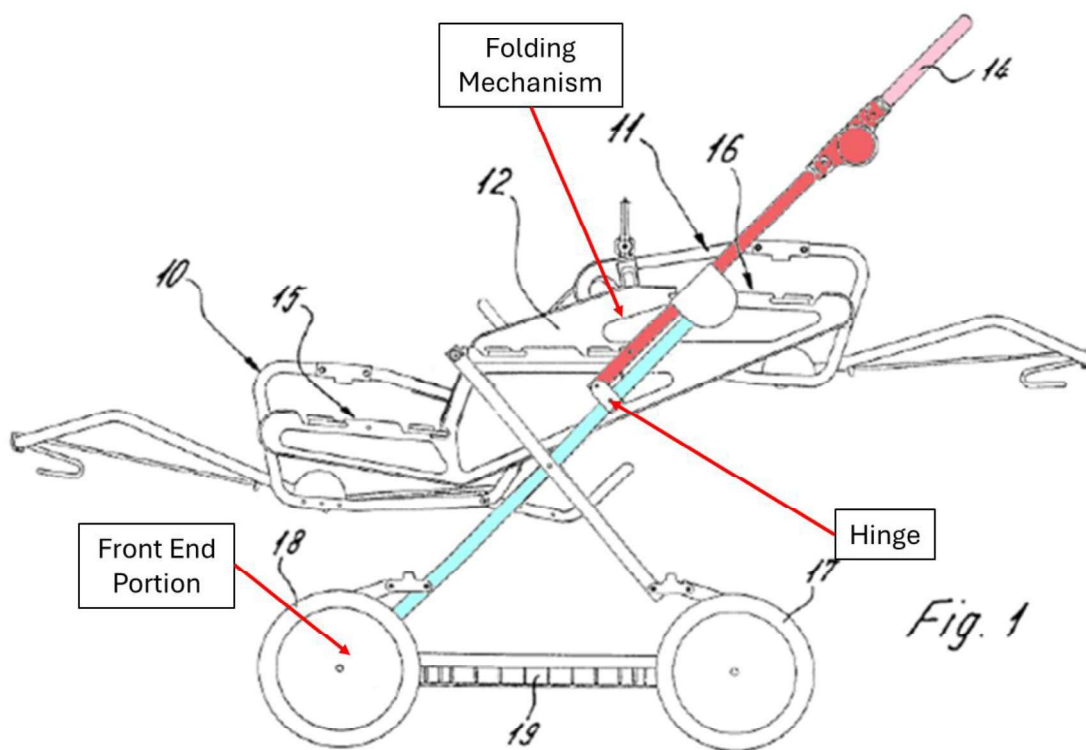
396. A POSITA would understand that inherent in the disclosure of Gotting is a “second foldable support member” that includes a right upper tube support frame (red) coupled to the other end of the “U-shaped push bar 14” (“handle portion”) and a right front wheel support frame extending towards the “front end portion.” Indeed, a POSITA would have understood the frame of Gotting was symmetrical (*i.e.*, identical right and left sides). This is evidenced by Gotting’s disclosure that push bar 14 is U-shaped and by the side view in Figure 1, where the left side of the stroller completely obscures the right side—indicating the two sides are identical. (If the right side differed from the left side, then it would be visible in the background of Figure 1.)

397. Gotting also discloses that the support members of the frame are foldable.

*A U-shaped push bar 14 is also attached to the frame 13. . . . The frame 13 can be folded up in the conventional manner after removing seats 10, 11, at which point the push bar 14 can also be folded inward.*

(EX1041, Gotting, [0011].)

398. This is clearly depicted in Figure 1:



**EX1041, Gotting, Fig. 1 (Annotated)**

399. Moreover, Gotting states the folding is in the “conventional manner.”  
(EX1041, Gotting, [0011].) A POSITA would have understood the “conventional

manner” of folding the frame disclosed in Gotting was to fold the “push bar 14” over top of the lower tubes (light blue) about the pivot pin of the hinge.

400. Britax explains conventional folding in more detail. Britax has the same Applicant as Gotting, Britax-Teutonia Kinderwagenfabrik GmbH, and illustrates the same frame and folding mechanism. Britax describes the conventional folding mechanism in the text. Specifically, Britax discloses a “U-shaped handlebar 10” pivotally connected to “front arms 12” by “pin joints 14,” about which the “handlebar 10 folds.”

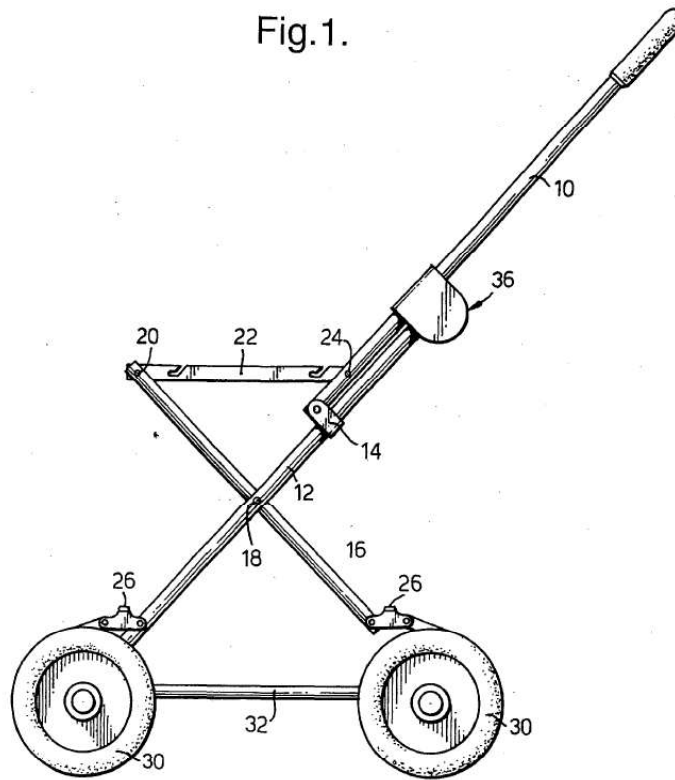
The chassis shown in Figure 1 is designed for a stroller, and has a U-shaped handlebar 10, the ends of which are connected to respective front arms 12 with corresponding **center pin joints 14**.

(EX1048, Britax, 3:5-7)

The invention relates to a **collapsible chassis** for a baby carriage composed of a front scissors arm, which has a spring-loaded locking pin at one end, and a rear scissors arm, which are connected to one another by **a center pivot pin, such that the chassis can be unfolded from the collapsed state**, and there is a locking element with a socket with which it can be coupled to the front arm that is connected to the locking pin when the chassis has been unfolded.

(EX1048, Britax, 1:4-12.)

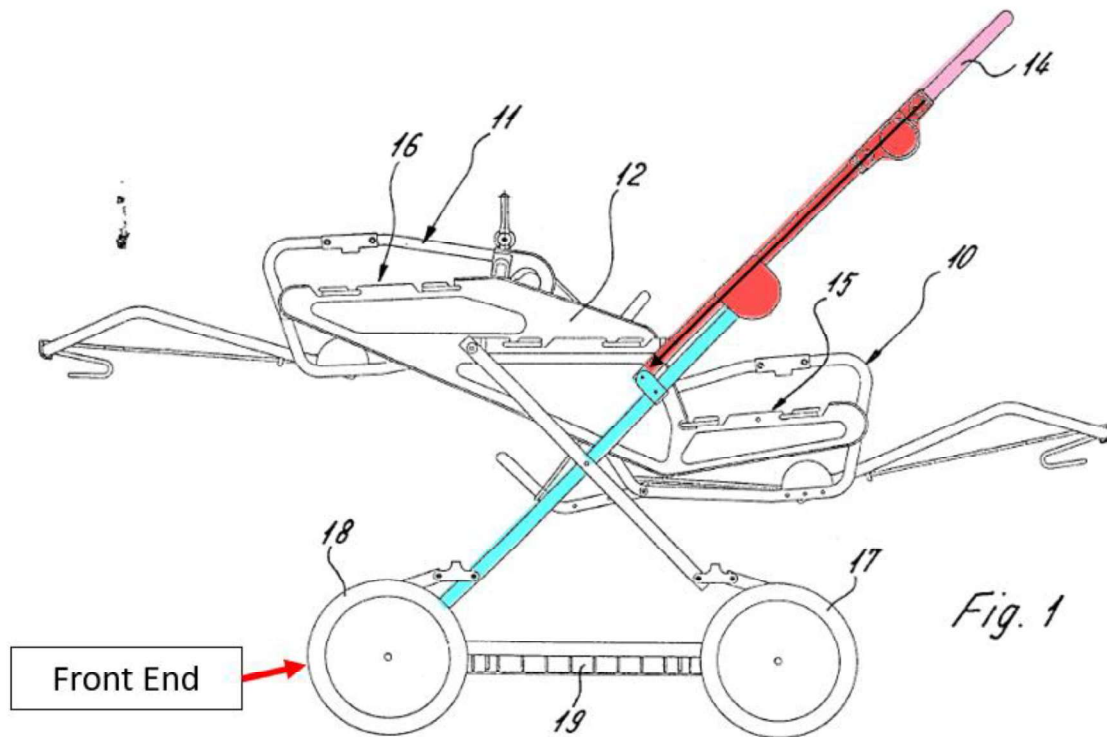
Fig.1.



EX1048, Britax, Fig. 1

401. Gotting further discloses that “foldable support members extend[] in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame.”

402. Figure 1 of Gotting depicts the *left* (“first”) foldable support member extending from the “U-shaped push bar 14” (“handle portion”) in a plane (black arrow) running diagonally from the “handle portion” *towards* the “front end portion” of the frame.



EX1041, Gotting, Fig. 1 (Annotated)

403. Although the *right* foldable support member is not visible, it extends from the same U-shaped bar and is positioned directly behind the left foldable support member. Thus, the two foldable support members extend in a parallel, spaced relationship within the same diagonal plane that extends from the handle portion towards the front end portion.

404. Neither claim 1 nor the specification provides any guidance regarding how far the foldable support members must extend in a parallel, spaced relationship and substantially in a plane. The claim requires only that they extend

“towards the front end portion of the frame.” In my opinion, this renders the claim indefinite because the specification provides no guidance in this respect. If the claim does *not* require the foldable support member to extend in a parallel, spaced relationship and substantially in a plane for the entire length of the support member to the front end, then Gotting meets this claim limitation.

405. If the claim does require that the entire foldable support member extend in a parallel, spaced relationship and substantially in a plane for the entire length of the support member, then Gotting would *not* anticipate because the lower portion of the foldable support member is not in the same plane as the upper portion.

406. I understand that Patent Owner has filed a Second Amended Complaint (“Complaint”) in a related District Court Litigation that asserts Petitioner’s Pivot Xpand Travel System (“Accused Stroller”) infringes the ’771 Patent. (EX1061, ¶¶55, 135.)

407. I have reviewed the Complaint, and it includes an infringement analysis (with pictures) alleging that the Accused Stroller infringes claim 1 of the ’771 Patent. (EX1061, ¶¶55-56, 135-146.)

408. With regard to claim limitation [1.3], the Patent Owner has alleged Accused Stroller has foldable support members “substantially within a plane that runs diagonally from the handle portion towards the front end portion of the

frame.” (EX1061, Second Amended Complaint, ¶¶139-140.)

409. Much like the Gotting stroller, however, the Accused Stroller includes an upper tube and a lower tube. The upper and lower tubes are in *two different planes*.

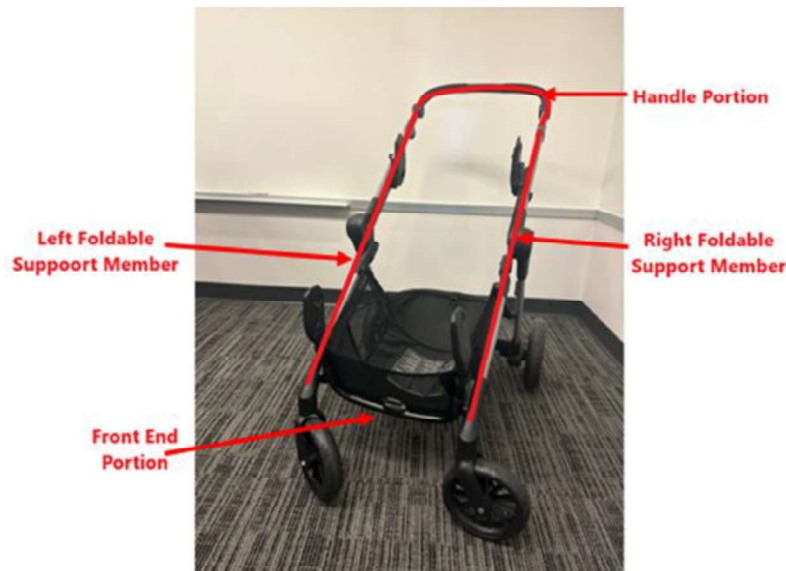


**EX1061, Second Amended Complaint, ¶139 (Annotated)**

410. Despite this, Patent Owner alleges that Petitioner’s stroller has foldable support members extending “substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame[.]” (EX1061 Second Amended Complaint, ¶¶139-140.)



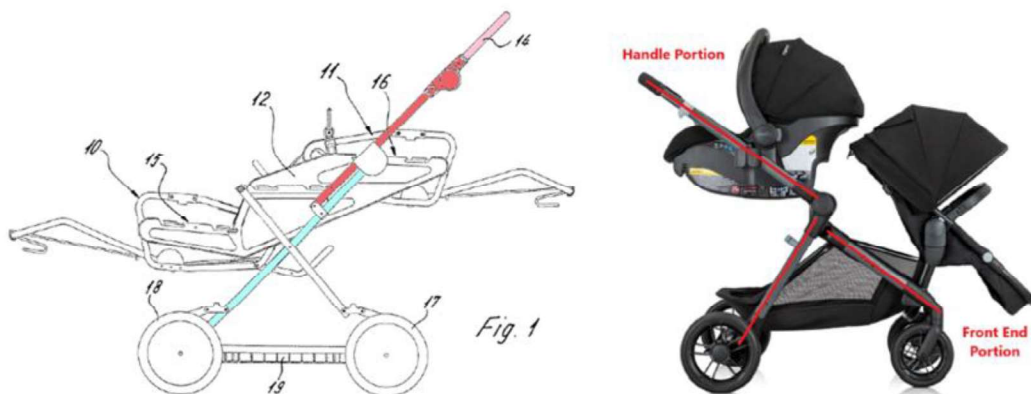
140. The Infringing Products further include “foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame”:



**EX1061, Second Amended Complaint, ¶140**

411. Thus, Patent Owner believes “substantially in a plane” includes upper tubes extending in a first plane and lower tubes extending in a second plane. I disagree with Patent Owner.

412. Notwithstanding, if the alleged foldable support members of the Accused Stroller meet this “substantially within a plane limitation,” then so does Gotting.



**EX1041, Gotting, Fig. 1 (Annotated); EX1061, Second Amended Complaint, ¶139**

413. Therefore, at least under Patent Owner’s broad interpretation of claim limitation [1.3], Gotting discloses “left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame.”

414. Notwithstanding, the folding mechanism used in Gotting is a mere design choice. Numerous folding mechanisms were known to a POSITA at the time of the invention (EX1031, Hollie Schultz Dec., EX10–*The Baby Gizmo Buying Guide*, 284-286), and it was an obvious design choice as to the best one to use. Indeed, it would have been obvious to a POSITA to choose a folding mechanism that maintained the upper and lower foldable support members

substantially within a plane by coupling them end-to-end. (See EX1031, Hollie Schultz Dec., EX2 at 2 mins. 10 secs.; 2 mins. 19 secs. below.)



**EX1031, Hollie Schultz Dec., EX2 at 2 mins. 10 secs.; 2 mins. 19 secs.**

415. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.3].

*... [1.4] a first seat releasably connected to the frame at a first vertical position that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration; and*

416. As I discussed in claim limitation [1.0], Gotting discloses two seats, 10 and 11. Gotting further discloses the seats are connected to the frame such that the seats are at different heights.

This problem is solved by attaching the reclining seats directly or indirectly to the frame at different heights, such that the ends thereof overlap.

(EX1041, Gotting, [0005].)

417. Gotting discloses that each seat 10, 11 is releasably connected to the frame.

The invention relates to a **stroller for twins or siblings**, which has a frame to which a push bar, and front and rear wheels, are attached, and to which **two removable reclining seats are attached**.

(EX1041, Gotting, [0001].)

418. Gotting discloses that the first seat is releasably attached to the frame at “connecting points 16” of the “adapters 12.” (See EX1041, Fig. 1.)

**Figure 2 shows the adapter 12. The connecting points 15, 16 have three slots 20 into which the seats 10 and 11 snap in place.** These slots 20 are like those in a normal frame. The adapter 12 is formed by a flat panel, the shape of which is not a defined geometry.

(EX1041, Gotting, [0012].)

419. Gotting discloses that these adapters are reversible. Figure 1 illustrates one embodiment in which the “adapters 12” are arranged such that, when both seats 10, 11 are attached to the adapters 12, the front seat is at a higher position than the rear seat. However, Gotting also discloses a second embodiment in which the adapters 12 are reversed in orientation, resulting in the rear seat being in a higher position than the front seat.

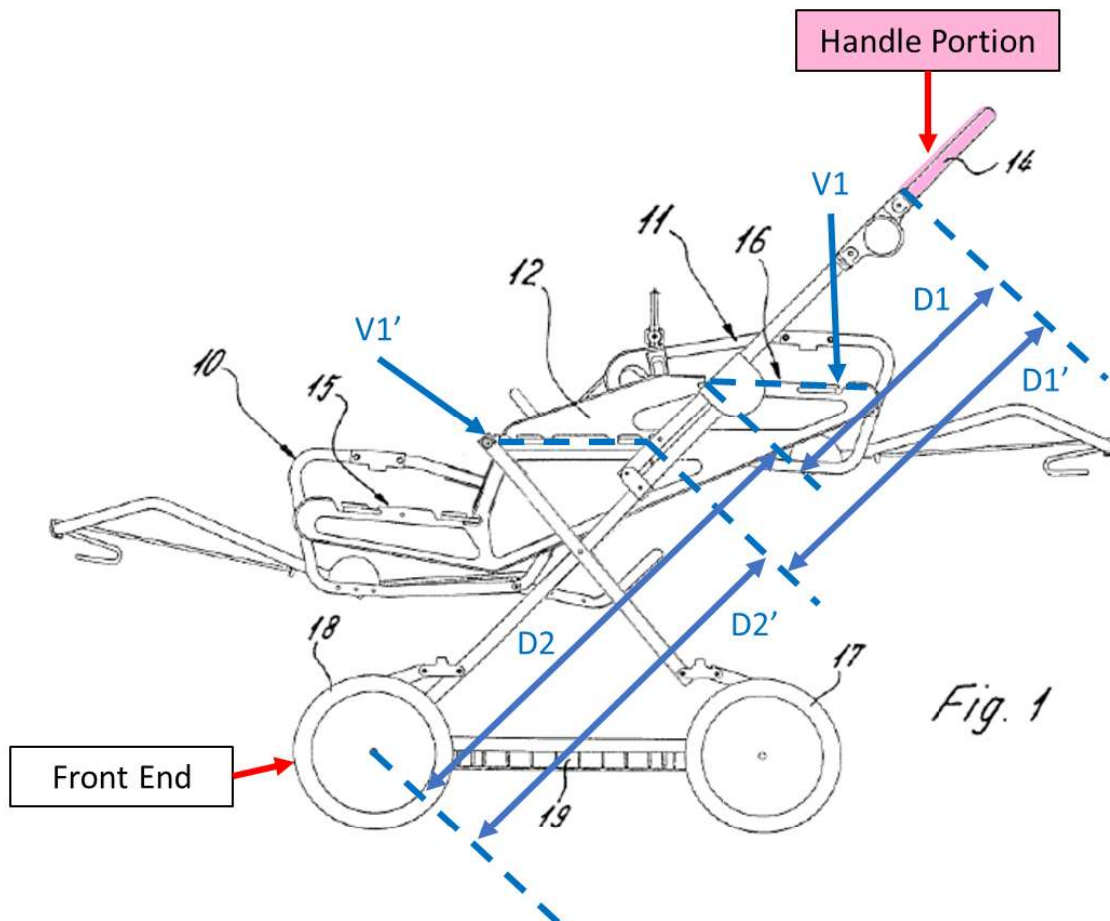
**The adapters 12 are also designed such that they can be reversed 180° on the frame. In this case, the seat 11 further from the push bar 14 would be lower than the seat 11 closer to the push bar 14.**

This still results in the overlapping described above. 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.

The invention is not limited to the exemplary embodiments shown herein. **The essential aspect is that the stroller is designed such that the seats are vertically offset and partially overlap, in order to shorten the overall length.**

(Ex1041, Gotting, [0014]-[0015].)

420. Since this embodiment with reversed adapters is not depicted in Gotting's figures, I have modified Figure 1 below to visually illustrate its structure. As shown, the seat furthest from the "handle portion" (pink) sits lower than the seat closer to the "handle portion."



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

421. In this embodiment with the reversed adapters 12, the upper seat (“first seat”) attaches to the “adaptor 12” at the “connecting areas 16” (labelled V1). The “adaptor 12” attaches directly to the frame at the point labelled V1’. In my opinion, either V1 or V1’ could meet the “first vertical position” of the claim. Both V1 and V1’ are closer to the handle portion (pink) than the front-end portion. (*i.e.*,  $D1 < D2$  and  $D1' < D2'$ ).

422. Gotting further discloses that one could eliminate the adapters and releasably attach both seats directly to the frame such that seat 11 (“first seat”) is

above the second seat 10.

**The adapters 12 could also be eliminated by forming the attachments for the seats 10, 11 directly on the frame.**

(EX1041, Gotting, [0014].)

423. When directly attached, the first seat 11 would also be attached to the frame at a first vertical position (V1) closer to the handle portion than the front end portion. A POSITA would have found it obvious to do so because “[b]y using standard attachment elements, the seats can be placed in any position on the frame.” (EX1041, Gotting, [0007].)

424. Gotting further discloses a “first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration” as claimed. Gotting also discloses that one or both seats can be connected to the frame, by conventional elements, either in a forward or backward facing direction in either a single seat or double seat configuration.

Conventional elements can be used to attach the seats to the frame, such that the **stroller can also be used for just one child**. The frame advantageously remains the same for this. **By using standard attachment elements, the seats can be placed in any position on the frame.** By way of example, either the feet or the heads of the children in the seats can overlap, or the feet of one can overlap the head of the other. The design of the stroller does not dictate which ends of the seats overlap.

(EX1041, Gotting, [0007].)

**The seats 10, 11 do not have to be placed in the frame in the manner shown in Figure 1. They can also be rotated 180°, such that the children face the other way.** In this case, the ends of the seats 10, 11 where the heads of the children are would overlap. **It is also possible to reverse just one of the seats 10, 11**, such that they are both facing in the same direction. In this case, the feet of one would overlap the head of the other. **It is also possible to use the stroller with just one seat 10, 11.**

(EX1041, Gotting, [0013].)

425. Therefore, Gotting discloses a first seat that releasably connects to the frame at a vertical position closer to the handle portion than the front end portion. The first seat can be connected to the frame in either forward or backward positions.

426. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.4].

***... [1.5a] wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:***

427. Gotting also discloses that an optional second seat assembly can be attached to the frame to form a double seat configuration. The Gotting stroller can therefore be utilized in a double seat configuration to accommodate two children.



For example, in modified Figure 1, discussed above, the lower seat 10 discloses an “optional second seat assembly to form a double seat configuration.” In another example, the lower seat (“optional second seat assembly”) is attached directly to the frame.

The invention relates to a stroller for twins or siblings, which has a frame to which a push bar, and front and rear wheels, are attached, and to which two removable reclining seats are attached.

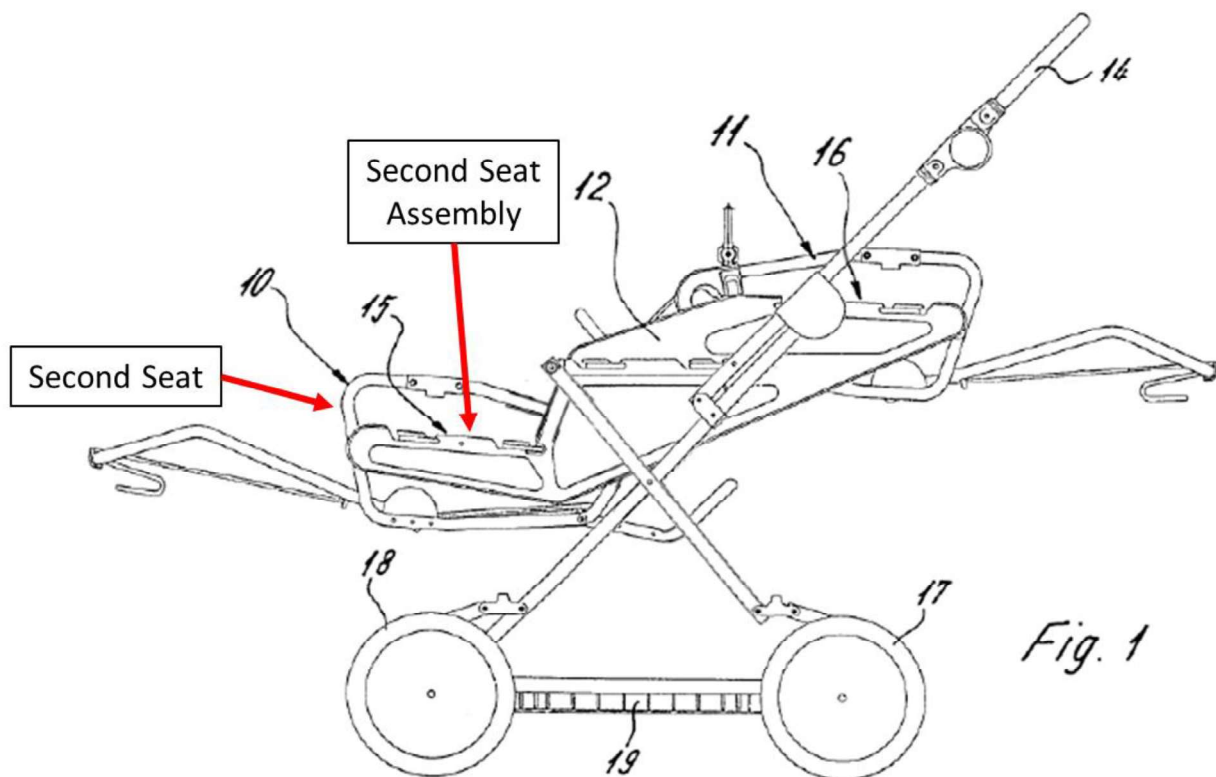
(EX1041, Gotting, [0001].)

The adapters 12 are attached to the frame in the conventional manner in this exemplary embodiment. **The seats 10, 11 are also attached to the adapters in the conventional manner.** A U-shaped push bar 14 is also attached to the frame 13. **The points 15, 16 where the adapters are attached are offset vertically.**

(EX1041, Gotting, [0011].)

The adapters 12 are also designed such that they can be reversed 180° on the frame. In this case, the seat 11 further from the push bar 14 would be lower than the seat 11 closer to the push bar 14. This still results in the overlapping described above. **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, Gotting, [0014].)



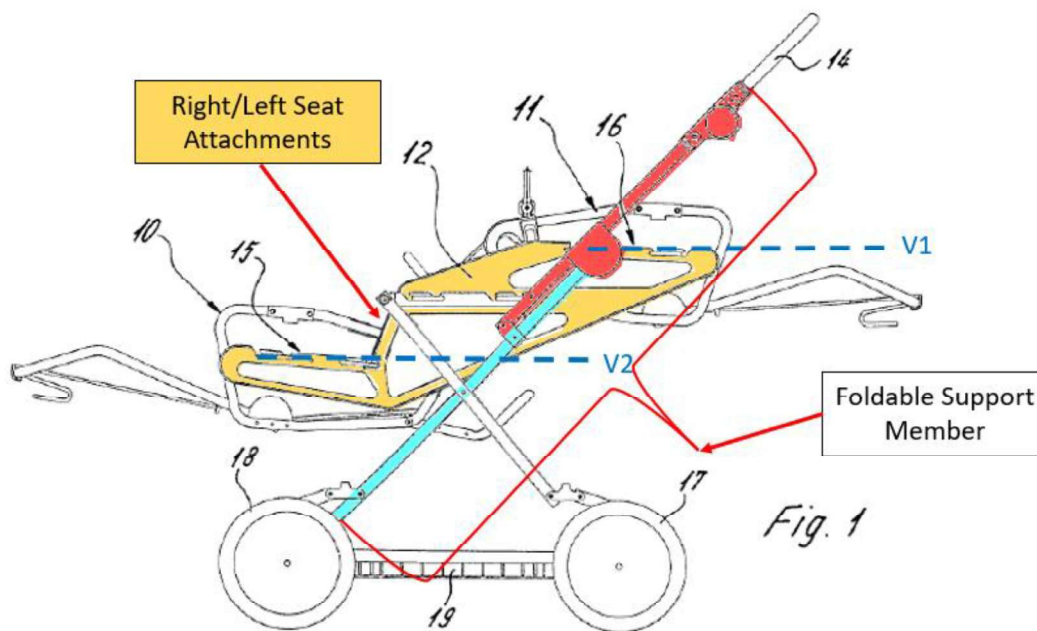
**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

428. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious limitation [1.5a].

*... [1.5b] 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, and*

429. Gotting discloses right and left seat attachments (gold), which are the left and right “adapter[s] 12,” each having “connecting points 15” the removably connect with the “second seat.” (EX1048, Gotting, [0012].) Each “adapter 12” is “attached to the frame. (EX1048, Gotting, [0011].) Therefore, the connecting points 15” indirectly attach the lower “second seat” to the frame. A POSITA would

have consider the “adapters 12” to be “left and right seat attachments” as they are used to attach one or more seats to the frame. These “adapters 12” are disposed along the support frame members as shown below. (EX1041, Gotting, [0012].)



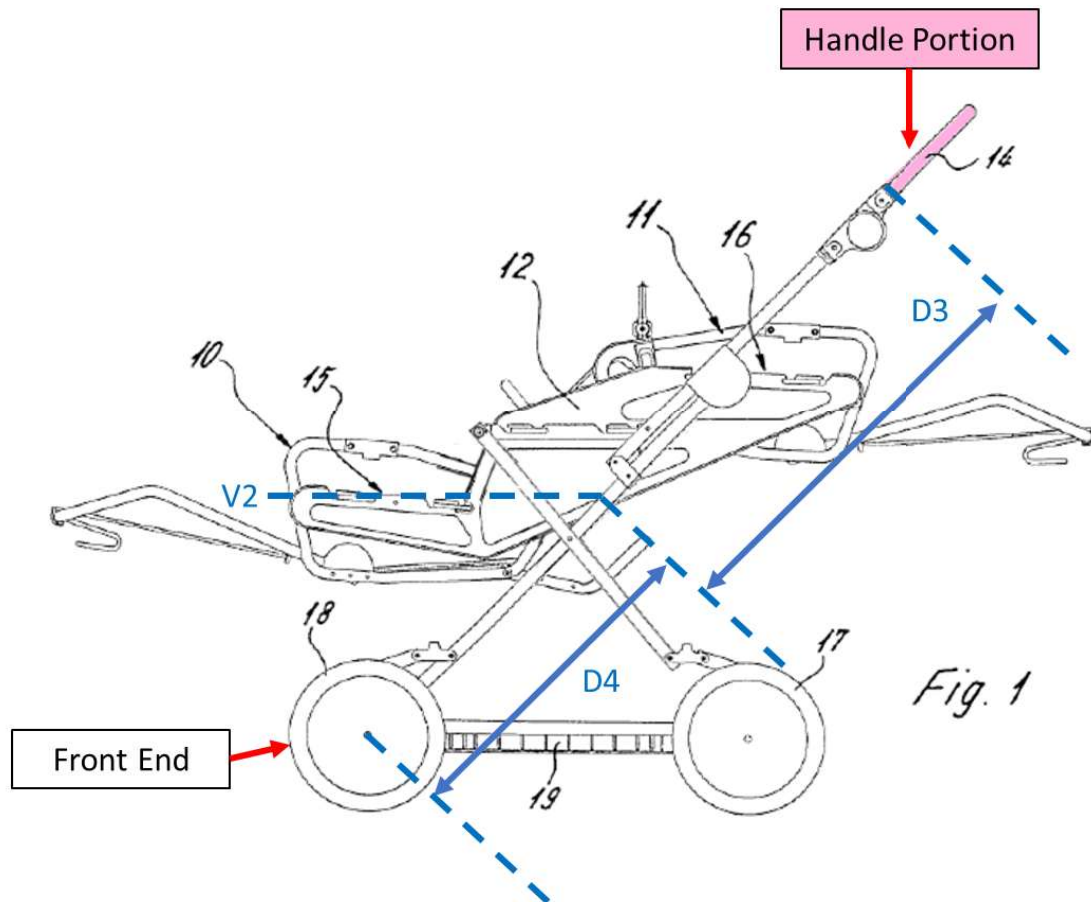
**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

430. <INTENTIONALLY LEFT BLANK>

431. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.5b].

*... [1.5c] wherein the second vertical position is closer to the front end portion than the handle portion; and*

432. The second vertical position (V2) at “connecting points 15” is closer to the “front end portion” than it is to the “handle portion.” (*i.e.*,  $D4 < D3$ ). See Modified Gotting Figure 1 below (annotated).



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

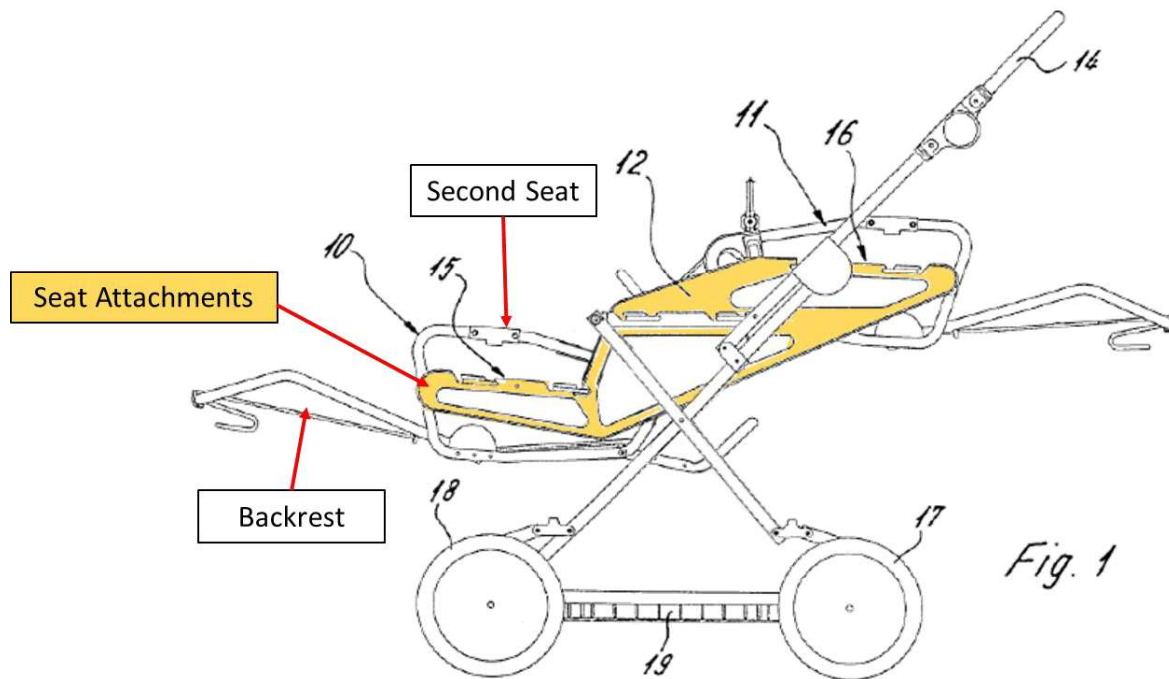
433. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.5c].

***... [1.5d] a second seat connectable to the right and left seat attachments in either a forward or backward facing position;***

434. As I discussed above regarding claim limitation [1.5b], Gotting discloses a lower seat 10 (“second seat”) that is connectable to the “adapters 12” at the “connecting points 15” on the “arm 12a.” (EX1041, Gotting, [0011]-[0012].) The seat 10 is removable and can be attached to the arm 12a of the adapter 12 in

either the forward or backward facing position. (EX1041, Gotting, [0013].)

435. The below figure shows the second seat 10 connected to the adapter 12 in the backward facing position.



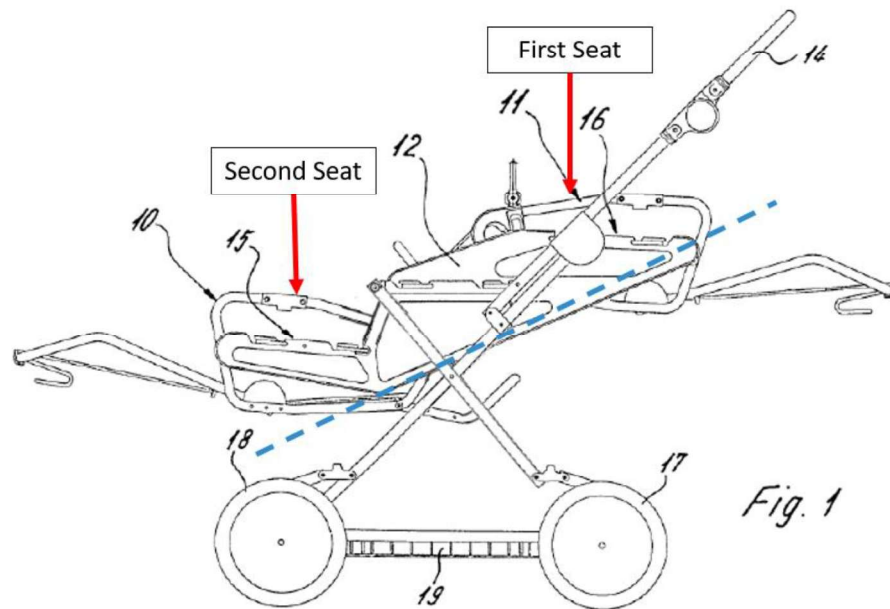
**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

436. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.5d].

***... [1.5e] wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.***

437. As I discussed above regarding claim limitations [1.4] and [1.5b], the adapter 12 has the connecting points 15, 16 at different vertical positions. (EX1041, Gotting, [0011].) This results in the “first seat,” when connected to the

frame, being arranged higher than the “second seat.” As a result, the seats 11, 10 have an inline descending configuration (blue dashed line) substantially along the plane of the frame.



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

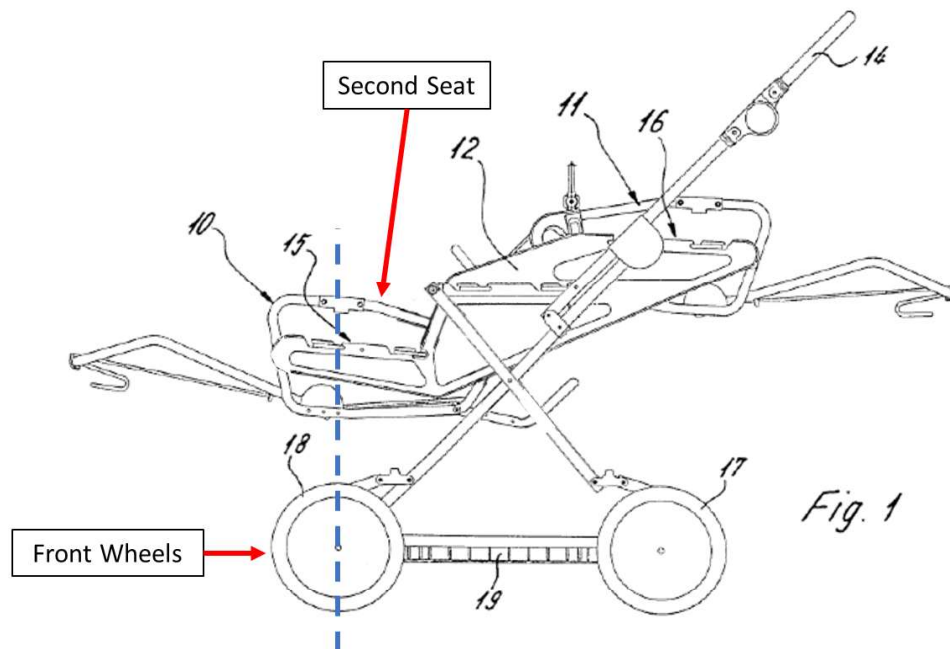
438. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim limitation [1.5e].

439. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 1.

... [2.0] *The stroller of claim 1, wherein the second seat is connectable above the two front wheels.*

... [3.0] *The stroller of claim 2, wherein above the two front wheels is substantially over the two front wheels.*

440. As shown in the below figure, Gotting discloses the second seat is connectable both above, and substantially over, the two front wheels.



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

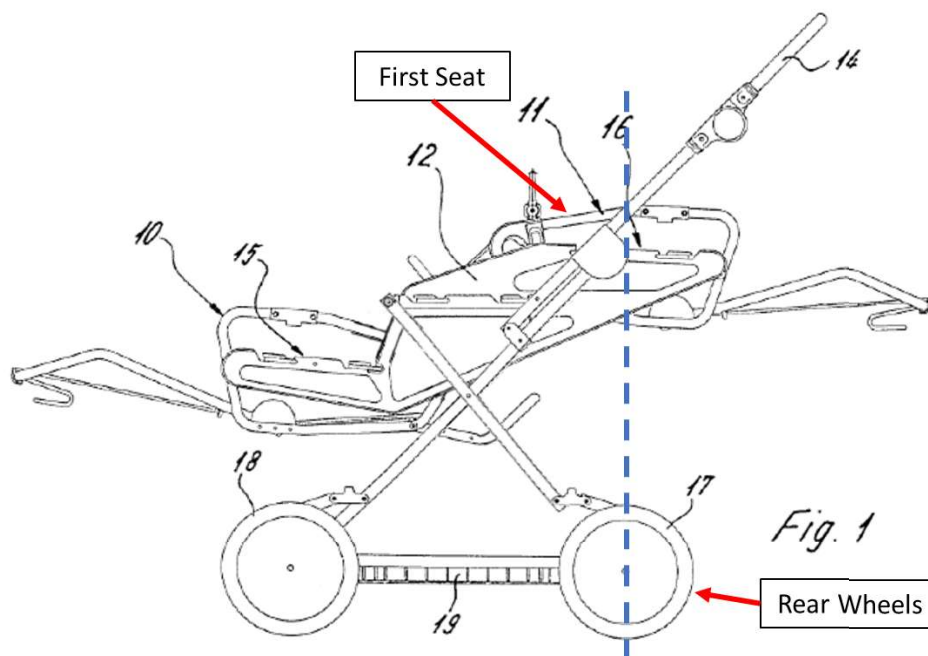
441. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claims 2 and 3.

... [4.0] *The stroller of claim 3, wherein the first seat is connected to the stroller frame substantially over the two rear wheels so that a center of gravity of the stroller is between the front and rear wheels.*

442. As shown in the below figure, the first seat is connected to the stroller



frame such that it is substantially over the two rear wheels.



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

443. Gotting also discloses that when both seats 10, 11 are connected to the stroller frame, the center of gravity of the stroller is between the front and rear wheels. A POSITA would understand by looking at the distribution of components in Modified Gotting Figure 1, that the center of gravity would be between the front and rear wheels. Indeed, the stroller would be unstable or tip over if the center of gravity was not between the wheels. Gotting expressly indicates this. The disclosed stroller was much more stable than prior-art dual strollers that would “tend to tip over” (meaning that the center of gravity is outside the wheelbase) and needed a counterweight to prevent this. (EX1041, Gotting, [0003].) Gotting solved this problem and eliminated the need for a counterweight by “attaching the reclining

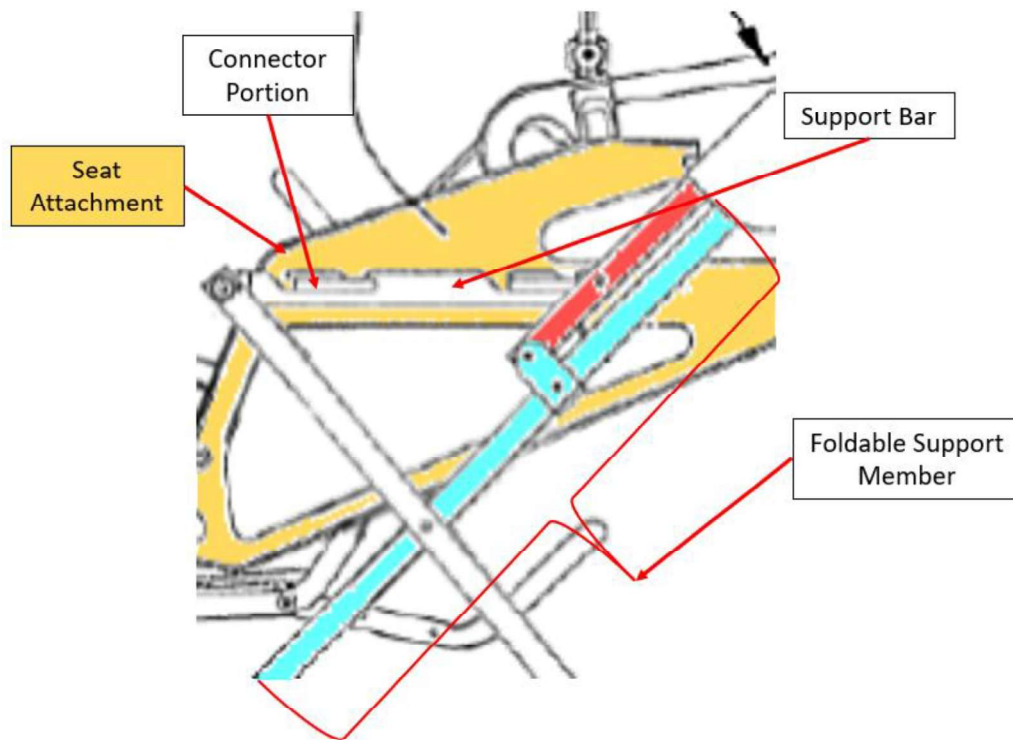


seats ... to the frame at different heights[.]” (EX1041, Gotting, [0005].) Therefore, Gotting discloses that the center of gravity is between the front and rear wheels.

444. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 4.

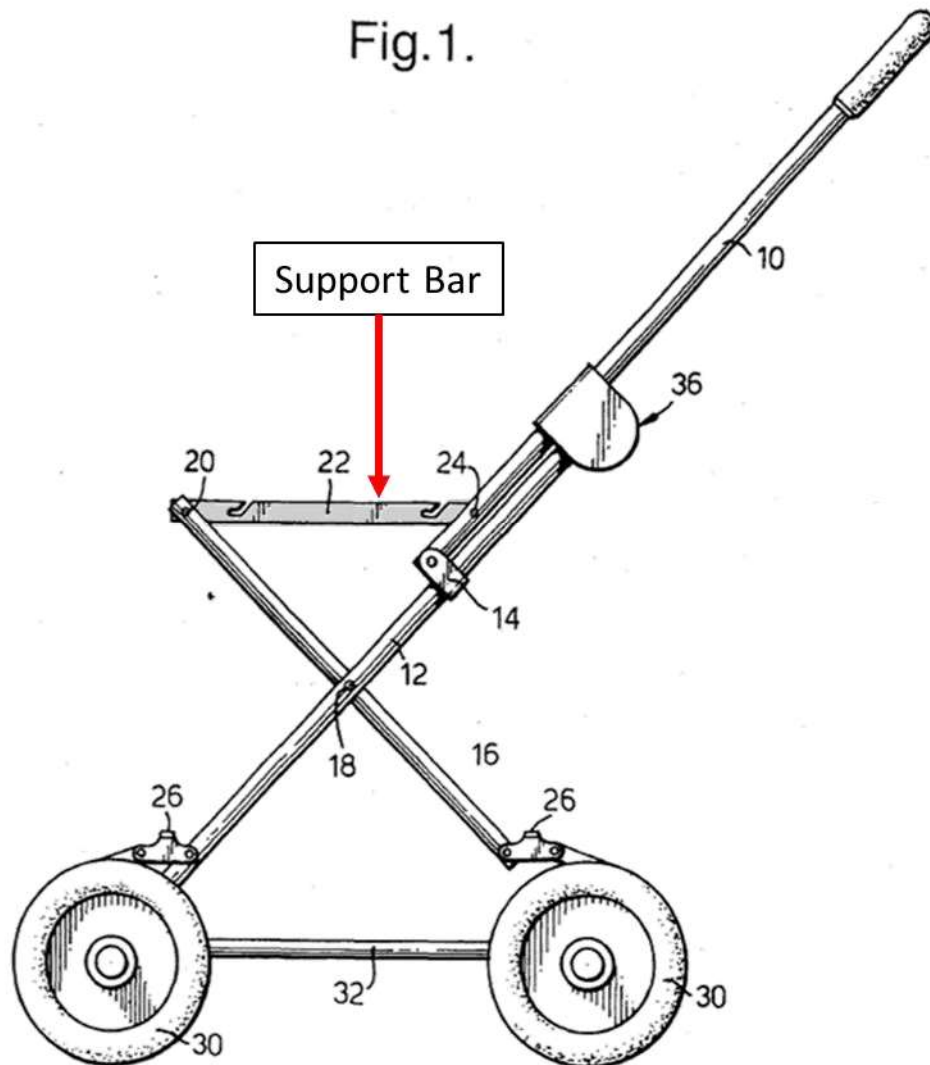
*... [5.0] The stroller of claim 4, wherein the seat attachments have connector portions configured to connect to the right and left support members.*

445. As I discussed in claim 1, Gotting discloses the left and right adapters 12 (“seat attachments”) are connected to the frame in the “conventional manner.” (EX1041, Gotting, [0011].) The adapters connect to the left and right “foldable support members” through a support bar that is directly attached to the right and left support members.



**EX1041, Gotting, Fig. 1 (Modified, Cropped and Annotated)**

446. This is more clearly illustrated in Britax which discloses a stroller, from the same inventive entity utilizing a nearly identical frame structure. As shown in the below figures, the frame includes a support bar (“frame 22”) that connects with the middle section 12c of the adapter 12. (EX1048, Britax, 3:5-10.) Britax provides a clear view of the slots of the support bar without the adaptor attached. The support bar on each side is directly connected to its respective left and right support member by a “pin 24.” (EX1048, Britax, 3:5-10.)

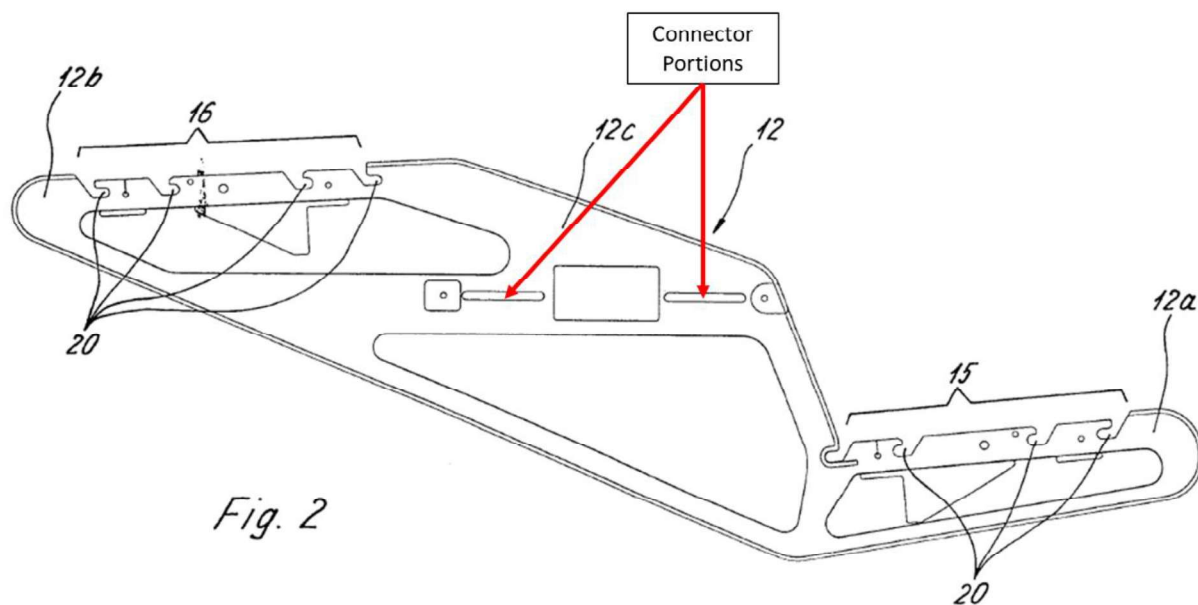


**EX1048, Britax, Fig.1 (Annotated)**

447. In Gotting, the slots of the support bar engage with “connector portions” of the “adapter 12” to removably connect the adapter 12 to the frame as I discussed above in claim 1. The “connector portion” is a bar having elongate sections (extending out of the page) sized to be received in the hooked slots.

448. A POSITA would have understood that Gotting discloses the left and

right support bars each having slots designed to engage with the two connecting bars (“connector portions”) of a corresponding “adaptors 12,” thereby attaching the “adaptors 12” (“seat attachments”) to the left and right “foldable support members.”

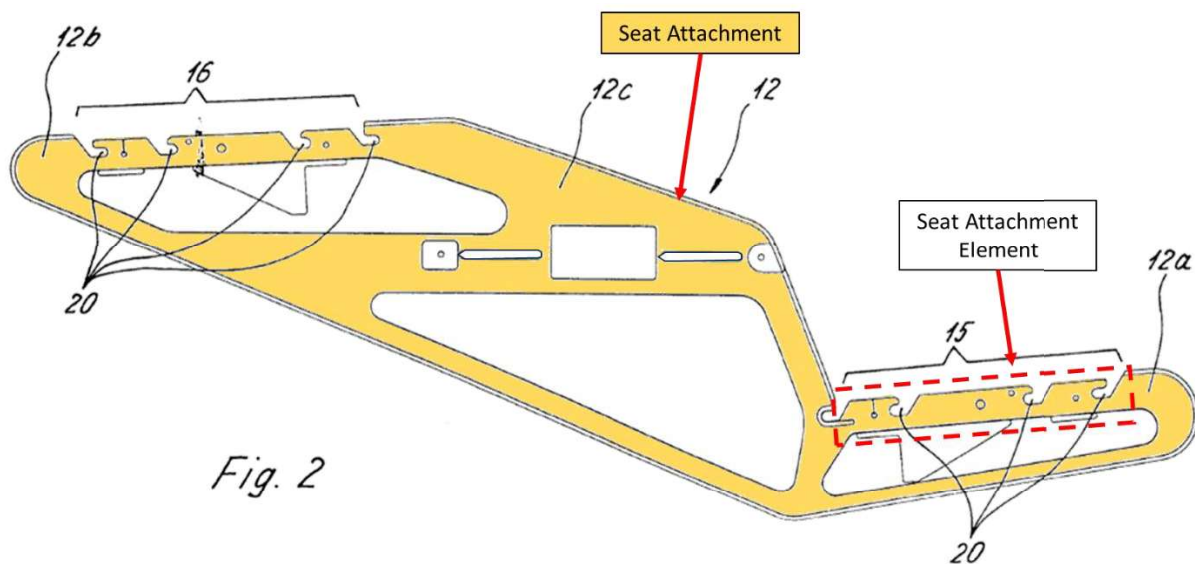


**EX1041, Gotting, Fig. 2 (Annotated)**

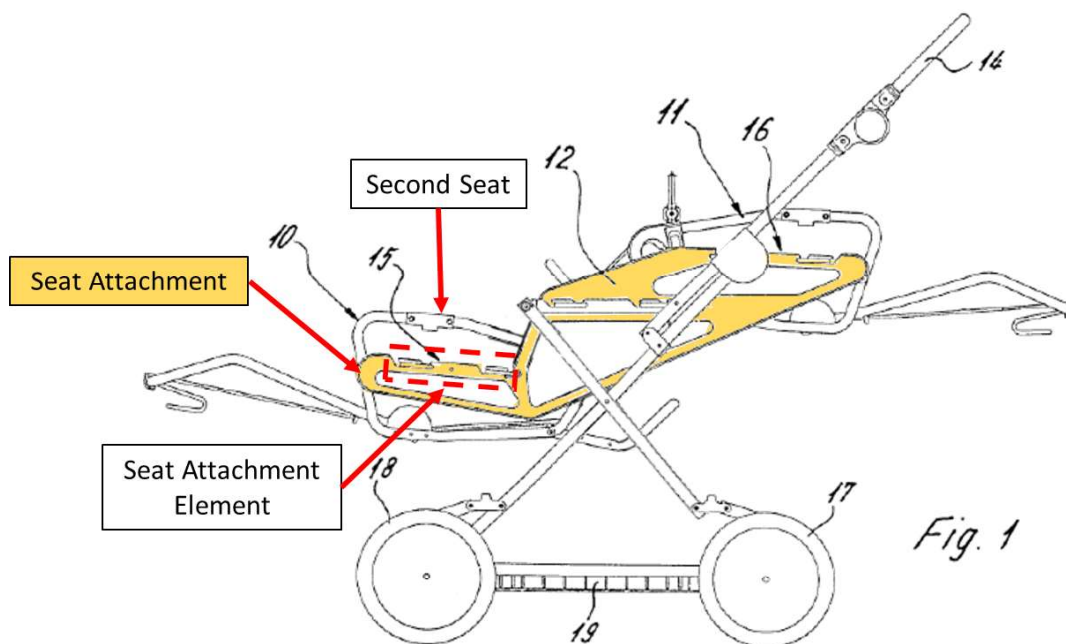
449. Thus, Gotting discloses “connector portions” configured to connect the “adaptors 12” (“seat attachments”) to the right and left “foldable support members.”

450. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 5.

451. Gotting discloses left and right adapters 12 (“seat attachments”) have connecting points 15 and 16 for connecting the seats 10, 11. (EX1041, Gotting, [0012].) These connecting points 15 on the left and right “adapters 12” are “attachment elements” configured to releasably support the second seat in either the forward or backward facing position” as these are the elements of the adapters 12 that connect the seat 10 to the frame. (EX1041, Gotting, [0001], [0007], [0011].)



**EX1041, Gotting, Fig. 2 (Annotated)**



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

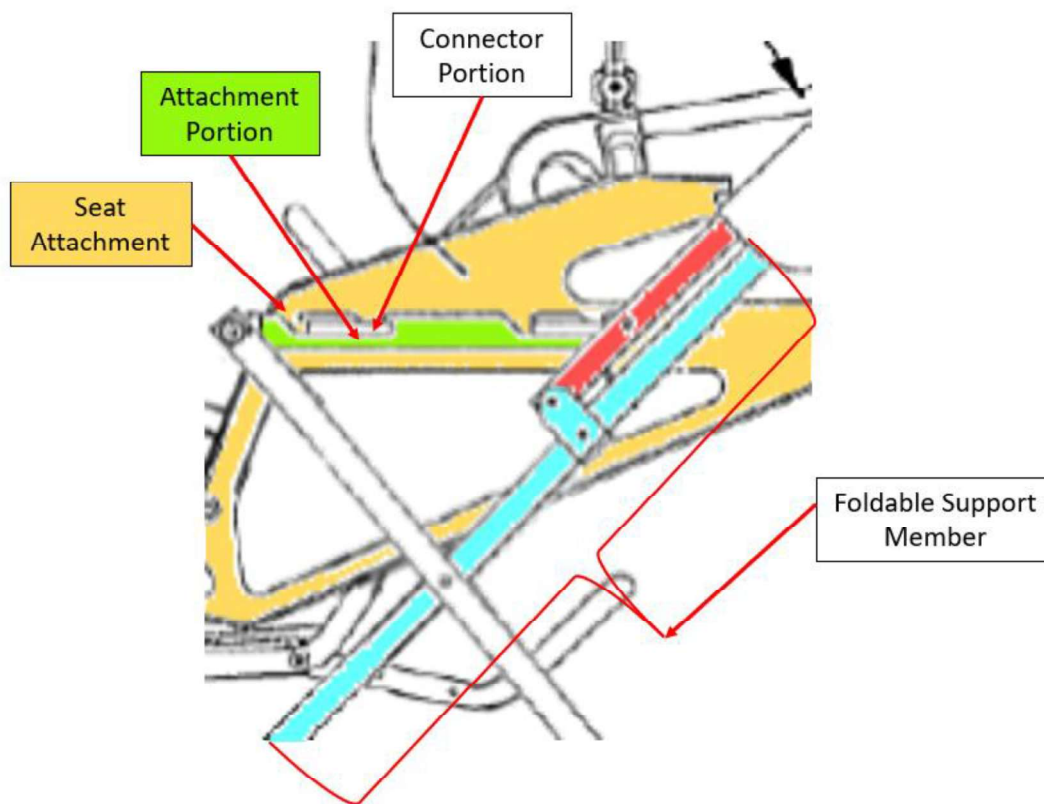
452. As I discussed in claim 1, the connecting points 15 have slots 20 designed to connect with the seat 10 in “either the forward or backward facing position.” (EX1041, Gotting, [0012]-[0013].)

453. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 6.

*... [7.0] The stroller of claim 6, wherein the right support member includes a right attachment portion and the left support member includes a left attachment portion, the right and left attachment portions configured to support the connector portions of the seat attachments.*

454. As discussed herein, Gotting discloses a frame that includes left and right support bars having slots that connect with the “connector portions” of the

right and left adapters 12 (gold). The support bars are directly attached to the “foldable support members” (blue/red) by pins. These support bars are the “attachment portions” as claimed, because they are the portions of the right and left “foldable support members” that support the connector portions of the “adapters 12” (“seat attachments”).



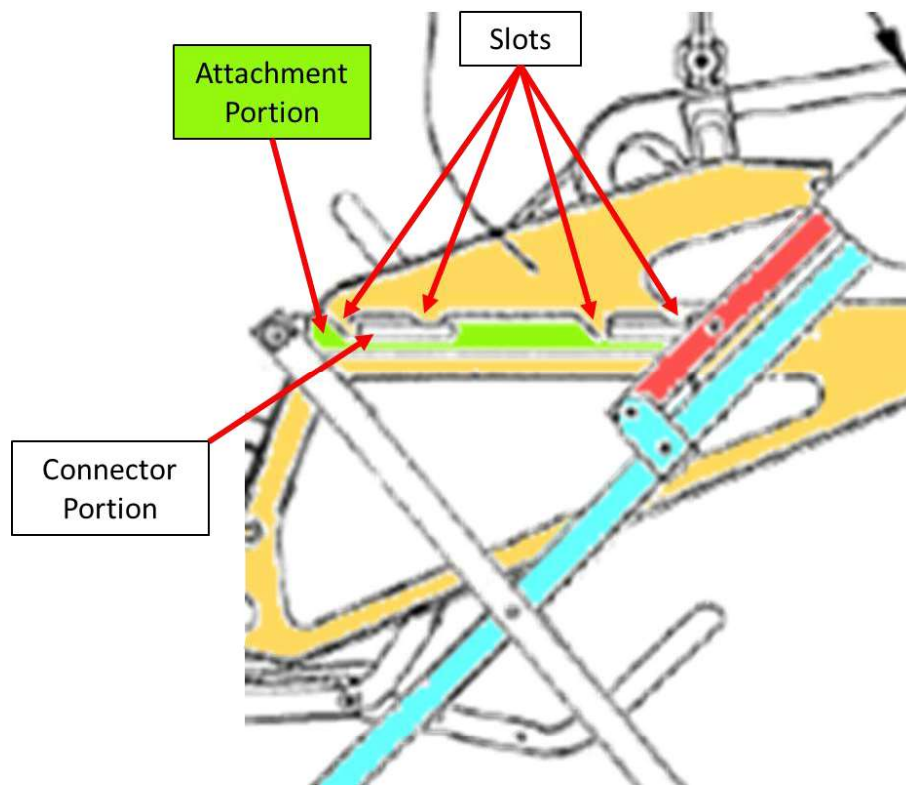
**EX1041, Gotting, Fig. 1 (Modified, Cropped and Annotated)**

455. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 7.



*... [8.0] The stroller of claim 7, wherein the right and left attachment portions define right and left slots configured to receive the connector portions of the seat elements.*

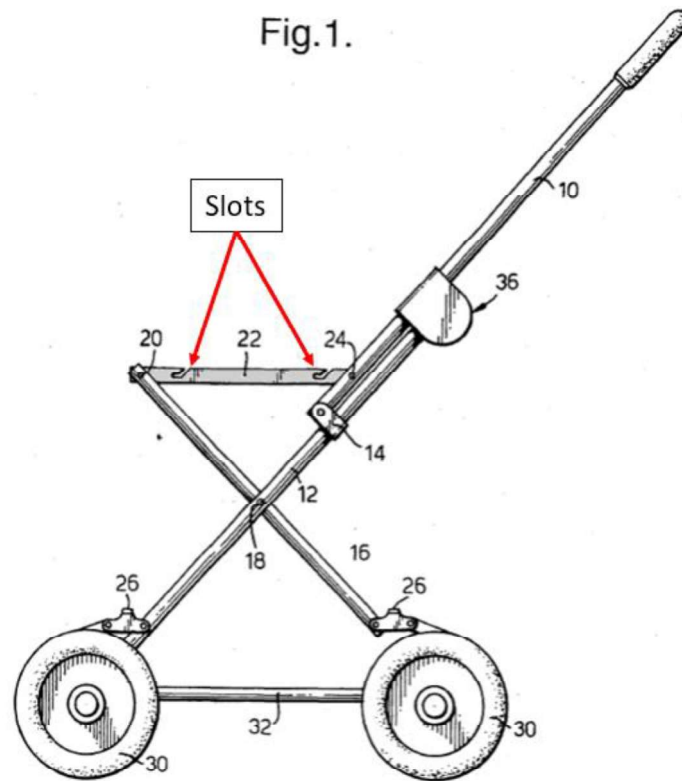
456. Gotting discloses that the “left and right attachment portions” (support bars), in green, include slots configured to receive the connector portions of the seat elements.



**EX1041, Gotting, Fig. 1 (Modified, Cropped and Annotated)**

457. The slots are more clearly depicted in Britax.





458. As discussed above, Gotting has a support bar like Britax.

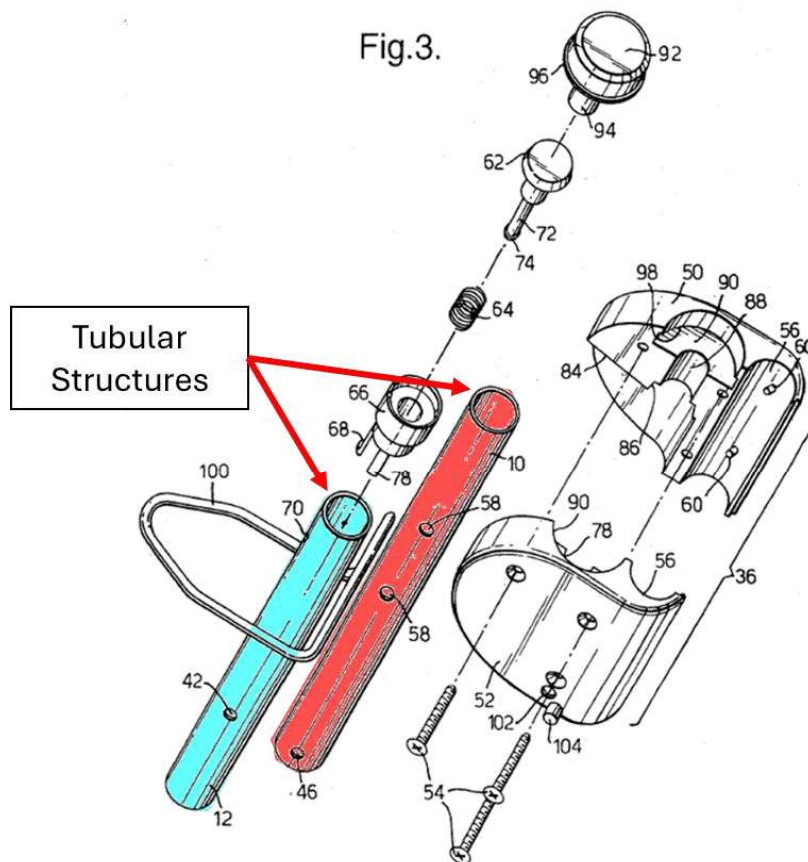
459. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 8.

*... [9.0] The stroller of claim 8, wherein the right and left support members include a pair of tubular structures.*

460. As I discussed in claim 1, each “foldable support member” includes an upper tube (red) and a lower tube (blue) separated by a folding mechanism. (EX1041, Gotting, [0011].)

461. As discussed herein, I understand the term “tube” as referring to a

462. Moreover, Britax, which utilizes a nearly identical frame, discloses the front arms 12 (lower support tubes) and handle bar 10 (upper support tubes) as hollow tubular structures.



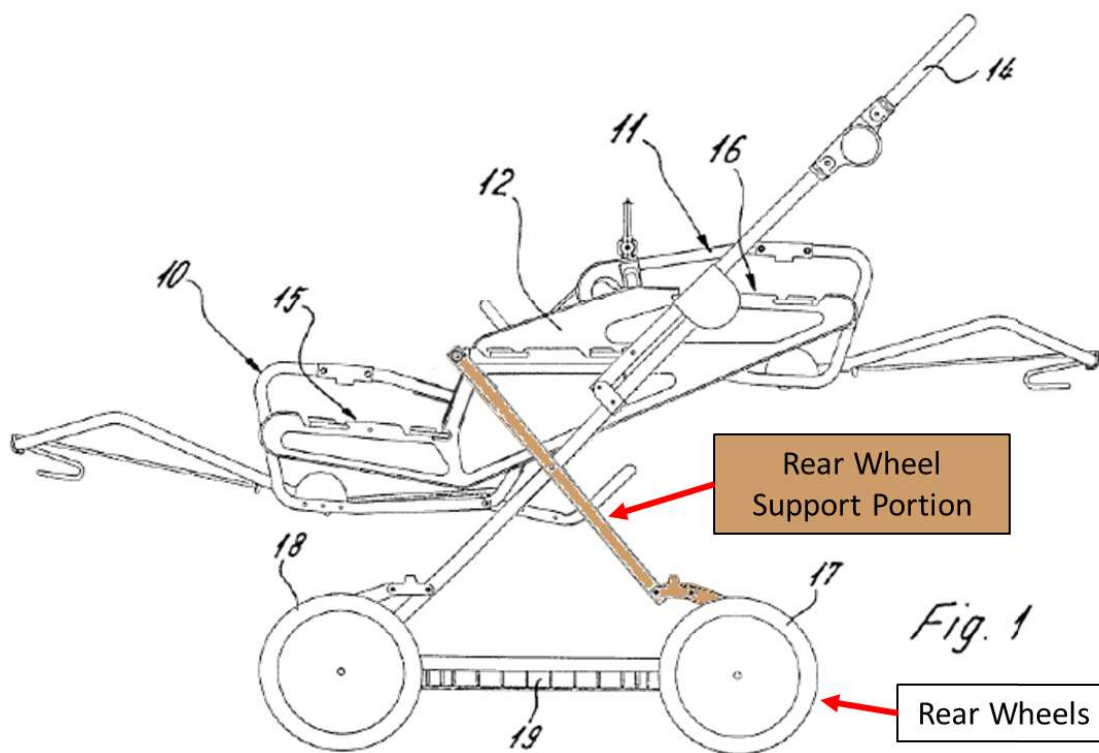
### EX1048, Britax, Fig. 3 (Annotated)

463. It would have been obvious to a POSITA, and a mere design choice, at the time of the invention, to use tubes as disclosed in Britax. Indeed, as I discussed in limitation [1.3], Gotting and Britax are by the same applicant and have the same frame. Using the tube structures of Britax would result in a lighter stroller, which is an advantage for picking up the stroller to put in a vehicle.

464. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 9.

***... [10.0] The stroller of claim 9, wherein the frame further comprises a rear wheel support portion and wherein the rear wheels are coupled to the rear wheel support portion.***

465. As I discussed in claim 1, the stroller includes rear wheels 17. (EX1041, Gotting, [0011].) The rear wheels 17 are coupled to a rear wheel support portion (brown) of the frame.



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

466. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 10.

... [11.0] *The stroller of claim 10, wherein the rear wheel support portion is attached to the left and right foldable members.*

... [12.0] *The stroller of claim 11, wherein the rear wheel support portion includes a pair of parallel support members connected to the left and right foldable support members.*

467. The “rear wheel support portion” (brown) of Gotting includes a pair of left and right parallel support members (also colored brown) connected to the left and “right foldable members” by pin connections. Figure 1 illustrates a first of

Fig. 1

Foldable Support Members

Rear Wheel Support Portion

Rear Wheels

468. As I discussed in claim 1, the stroller of Gotting is symmetrical with the left and right sides being the same. A POSITA would therefore understand frame has a second of “the pair of parallel support members” pivotally connected to the “right foldable support member.”

## EVENFLO EX1001

it is completely hidden from view. This, coupled with the structure of Gotting, a POSITA would understand that the rear wheel supports are parallel. If they were not parallel, it would put unnecessary stresses on the support bar and connections to the foldable support members. It could also impact the folding of the stroller.

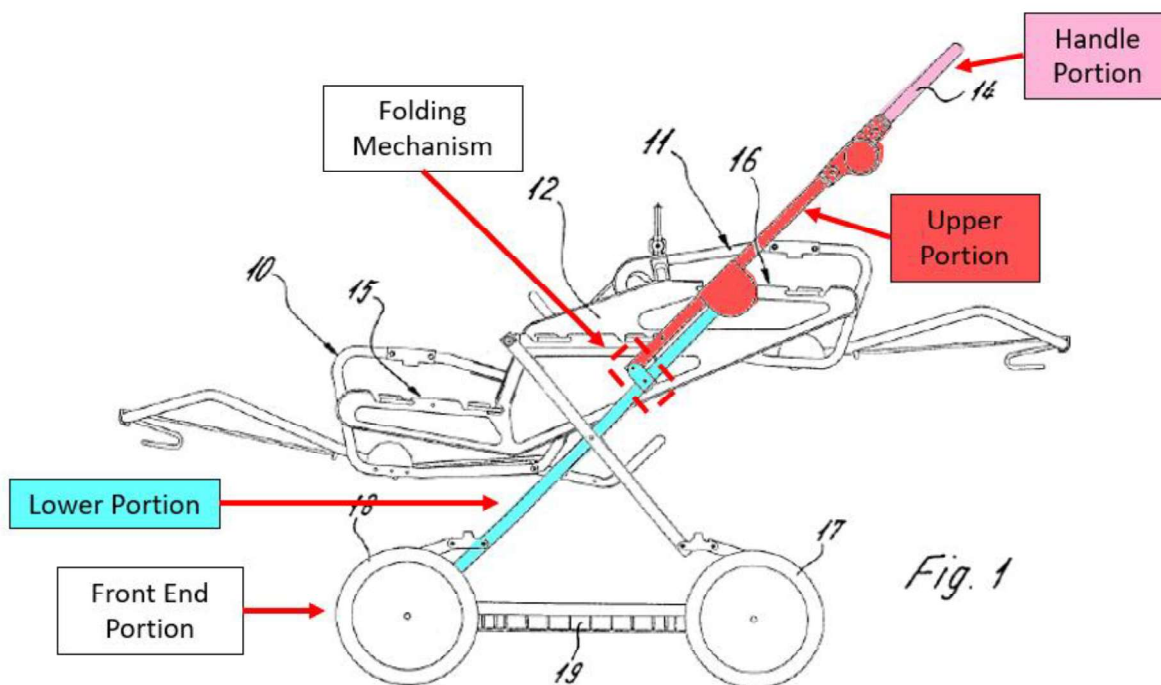
470. To the extent Gotting fails to expressly disclose the left and right rear wheel support members are parallel to each other, it would have been obvious, and a mere design choice to a POSITA, to design the stroller such that the rear wheel supports are parallel. It would have been obvious to have the right side be the same as the left to streamline the number of parts during manufacturing and to provide uniform folding of the frame—well-known benefits. (See, e.g., EX1041, Offord '341, 6:6-12.) Indeed, it well known in the art for stroller frames to be symmetrical. EX1016, 5:40-43; EX1033 Cone, 1:28-32.

471. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claims 11 and 12.

*... [13.0] The stroller of claim 1, further comprising a folding mechanism dividing the left and right foldable members into upper and lower portions, wherein the upper portion of the left and right foldable members is adjacent the handle portion and wherein the lower portion of the left and right foldable members is adjacent to the front end portion.*

472. As I discussed in claim limitation [1.3], each of the “foldable support

members” of Gotting includes a “folding mechanism” that divides the foldable support members into an “upper portion” (red) and a “lower portion” (blue). (EX1041, Gotting, [0011]; EX1048, Britax, 1:21-26, 3:5-7, 3:14-18.) The folding mechanisms each include the hinge that forms the pivot point to accommodate folding. Each folding mechanisms is between the “upper portion” (red) and the “lower portion” (blue) and therefore divides the “foldable support member” into the upper and lower portions.



**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

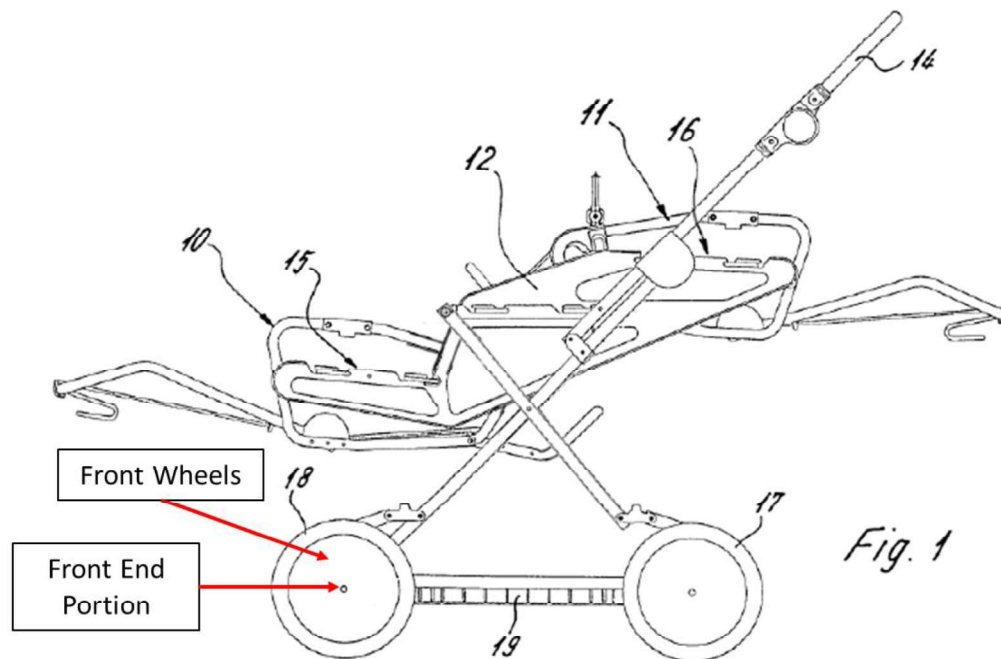
473. As shown above and discussed in claim 1, the “upper portion” of the left and right foldable members is coupled (thus adjacent) the handle portion and the “lower portion” of the left and right foldable members is coupled (thus

adjacent) to the front end portion.

474. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 13.

*... [14.0] The stroller of claim 13, wherein the front end portion is coupled to the two front wheels.*

475. As I discussed in claim 1, Gotting discloses “front and rear wheels also attached to the frame.” ([0011].) As shown in the side view of Figure 1, the two front wheels are coupled to the frame at the front end portion.



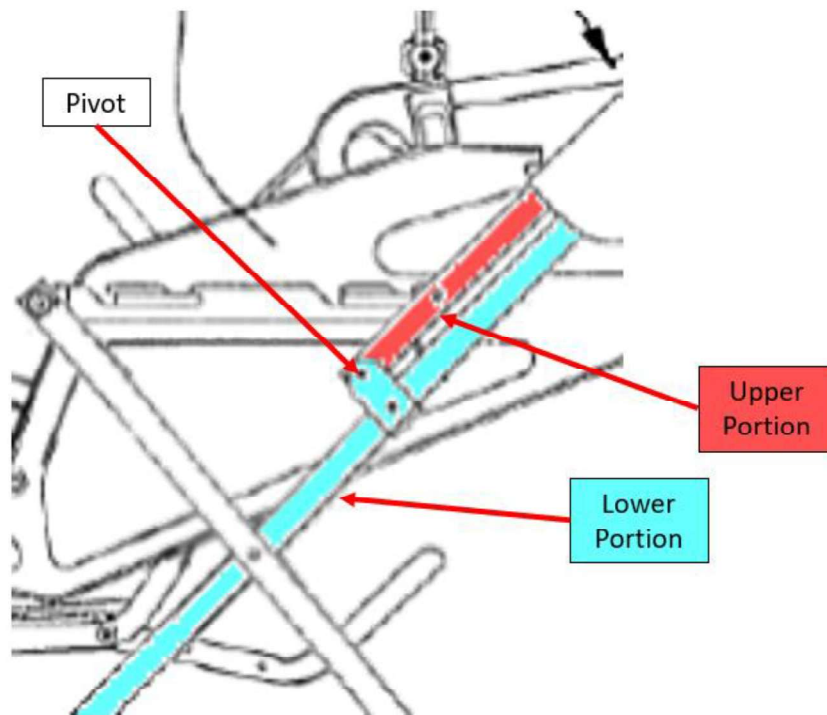
**EX1041, Gotting, Fig. 1 (Modified and Annotated)**

476. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 14.



***... [15.0] The stroller of claim 14, wherein the folding mechanism includes a pair of spaced apart pivots connecting the lower portion to the upper portion of the left and right foldable members.***

477. As I discussed in claim 13, Gotting's stroller frame has two "folding mechanism," one each located on each of the "foldable support members." Each of the "folding mechanisms" includes a hinge. (EX1041, Gotting, [0011]; EX1048, Britax, 1:21-26, 3:5-7, 3:14-18.) Each hinge includes a pivot pin ("pivots") that allows the push bar 14 to fold over the "lower portions.". (EX1041, Gotting, [0011].) As I discussed above, the frame of Gotting is symmetrical and therefore the "pivots" are on opposite sides of the frame and are "spaced apart."



**EX1041, Gotting, Fig. 1 (Modified, Cropped and Annotated)**

478. Therefore, Gotting either alone or in combination with Britax discloses or renders obvious claim 15.

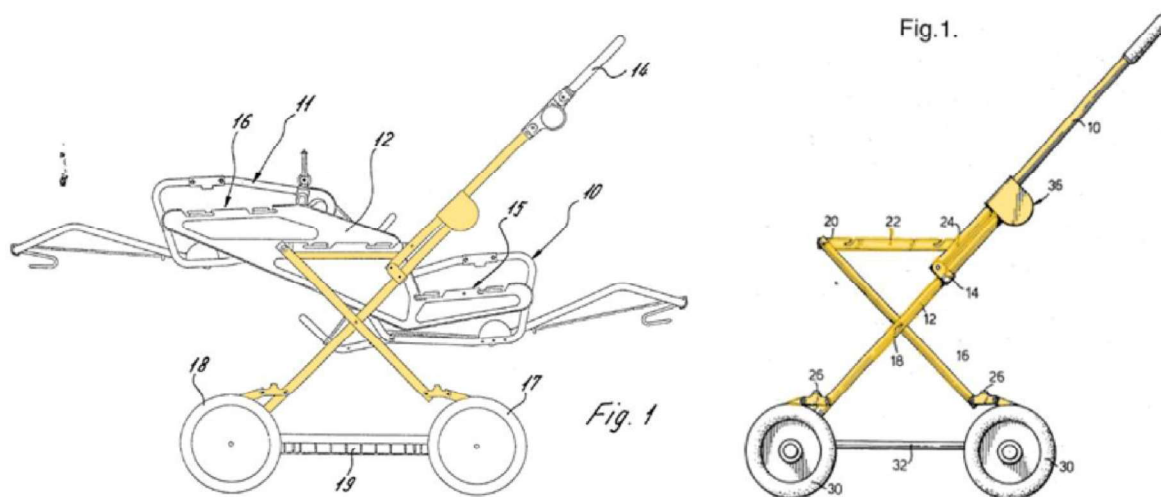
**2. Rational to Combine Gotting and Britax**

479. Gotting and Britax are both directed to baby strollers and specifically focus on stroller frame designs. (EX1041, Gotting, [0001]; EX1048, Britax, 1:21.) As such, they fall squarely within the same field of endeavor, addressing the structural and functional aspects of stroller chassis assemblies.

480. Both references share the same applicant, Britax-Teutonia Kinderwagenfabrik GmbH. (EX1041, Gotting, Cover Page; EX1048, Britax, Cover

Page.) This common origin further supports that Gotting builds upon the design concepts first disclosed in Britax.

481. Gotting appears to be a follow-on development from Britax, incorporating a substantially similar chassis design while extending functionality through the addition of an adapter assembly that supports two removable seats. As shown in the annotated figures below, both Gotting and Britax utilize a common frame architecture—including upper tubes, front and rear wheel tubes, and a horizontal support member (e.g., element 22)—indicating a continuation of the same core design.



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

482. Given the near-identical frame layouts, a POSITA would have recognized that both designs rely on the same structural foundation. A POSITA would also have understood that Gotting incorporates a folding feature, consistent

with the teachings of Britax. Gotting expressly describes folding the push bar when the stroller collapses. (EX1041, [0011].) This is further reinforced by Britax's detailed disclosure of folding mechanisms, including a folding joint integrated into the chassis. (EX1048, 1:21–26, 3:5–7, 3:14–18.)

483. Even if Gotting does not explicitly show folding joints in its figures, it would have been obvious to a POSITA to incorporate Britax's folding joint 14 into Gotting's chassis. (EX1041, Gotting, [0011].) Given the structural similarity between the Gotting and Britax frames, and the known functionality of Britax's folding joint, a POSITA would have recognized that substituting Gotting's fixed coupling with Britax's joint would predictably enable folding functionality while maintaining structural integrity.

484. A POSITA, motivated by common design goals—such as portability, storage efficiency, and user convenience—would have found it obvious to modify Gotting's chassis to include the folding joint 14 from Britax. The modification would have required only routine design adaptation, with a high expectation of success, and would result in a stroller frame capable of collapsing in a manner consistent with both Gotting's and Britax's disclosures.

**C. Ground 3 – Claims 1–15 are obvious over Offord '341 in view of Offord '797**

**1. Analysis of Claims 1–15**

*... [1.0] A stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint, comprising*

485. I have been informed by counsel that preambles are ordinarily not limiting. Regardless, Offord '341 discloses a “pushchair” convertible from a single seat configuration to a double seat configuration without increasing its footprint.

This invention relates to apparatus for a vehicle and a method of using the vehicle, the vehicle being, in particular an infant's pushchair.

(EX1051, Offord '341, 1:4-6.)

Referring to Fig. 14, two interface portion components 100 each . . . releasably mountable to the respective receptor cups 34 of the frame assembly 4, a downwardly curved bar 104, and two connector sockets 106 **for receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.**

(EX1051, Offord '341, 9:15-21.)

486. A POSITA would understand the disclosed “infant’s pushchair” is another name for a “stroller.” Offord '341 illustrates and teaches a POSITA that it is directed to a stroller.

**Referring to Fig. 1, a vehicle 2 for transporting children comprises a frame assembly 4,** a plurality of ground-contacting

wheels 6 attached to the frame assembly 4, and a handle 8 for grasping by the controller of the vehicle 2. The handle 8 is a substantially inverted U-shaped member telescopically attached to the frame assembly 4.

(EX1051, Offord '341, 5:45-50.)

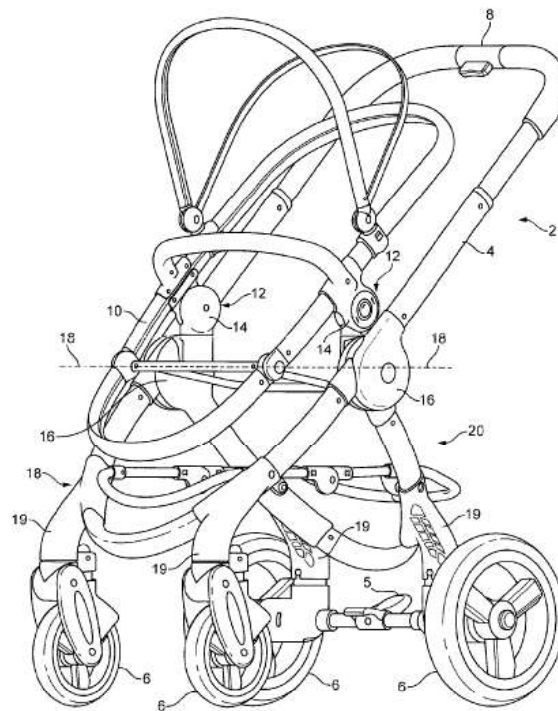


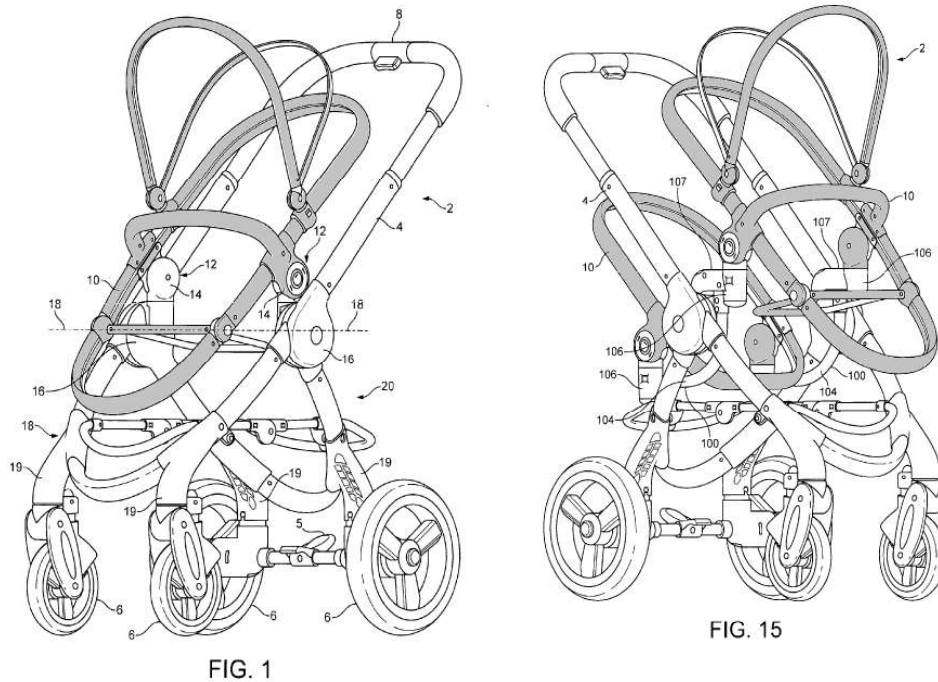
FIG. 1

### EX1051, Offord '341, Fig. 1

487. Offord '341 also discloses a sub-frame assembly that provides the optionality to operate the stroller in a dual-seat configuration.

Referring to Fig. 14, two interface portion components 100 each comprise ... two connector sockets 106 for receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.

(EX1051, Offord '341, 9:15-21, see also 6:13-36, 7:36-48.); Fig. 1 (single seat) converted to Fig. 2 (dual seat) below.



**EX1051, Offord '341, Figs. 1, 15 (Annotated)**

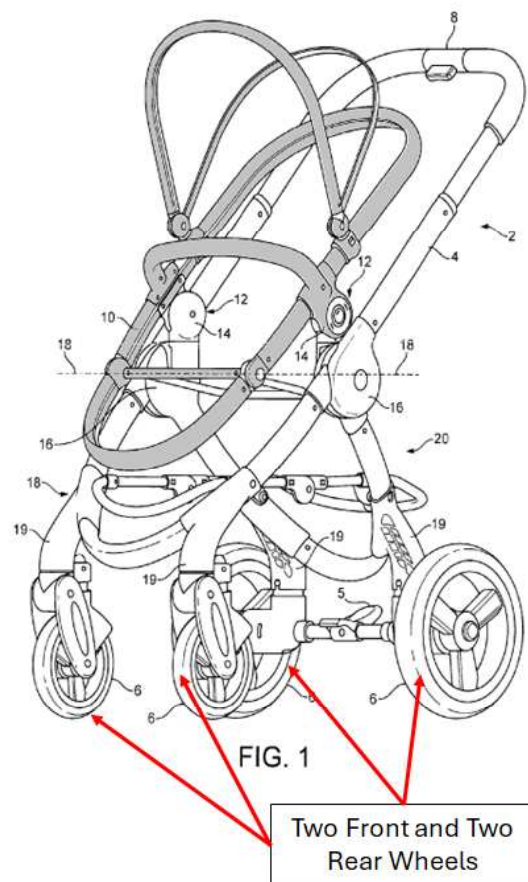
488. I understand the ordinary meaning for the term “footprint” to be the portion of the stroller touching the ground (i.e., the wheel base). As show above in Figs. 1 and 15, Offord '341 discloses a conversion of a single seat configuration to a dual seat configuration “without increasing the footprint.”

489. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitation [1.0].

... [1.1] two rear wheels;

... [1.2] only two front wheels;

490. Offord '341 discloses “a plurality of ground-contacting wheels 6” including “rear wheels 6.” (EX1051, Offord '341, 5:46-47) Visibly, the stroller also includes “only two front wheels.”



**EX1051, Offord '341, Fig. 1**

491. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitations [1.1] and [1.2].

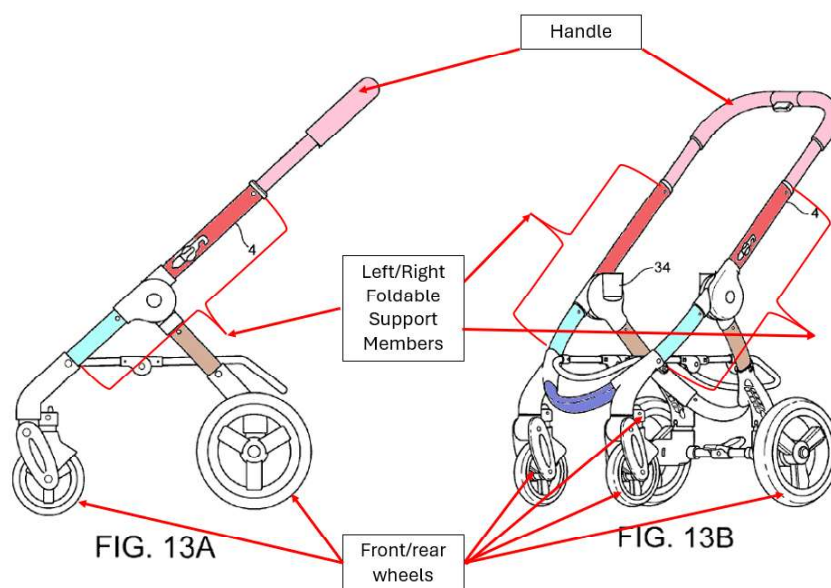


*... [1.3] a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;*

492. Offord '341 discloses a “frame assembly 4” (“frame”) supported by a plurality of “ground-contacting wheels 6.” (EX1051, Offord '341, 5:45-50.)<sup>23</sup>

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<sup>23</sup> I use the stroller frame illustrated by Figures 13A and 13B to illustrate basic components of Offord's stroller design. For these figures, I have removed the “adapter devices” to show just the stroller frame.



**EX1051, Offord '341, Figs. 13A–13B (Annotated and Modified)**

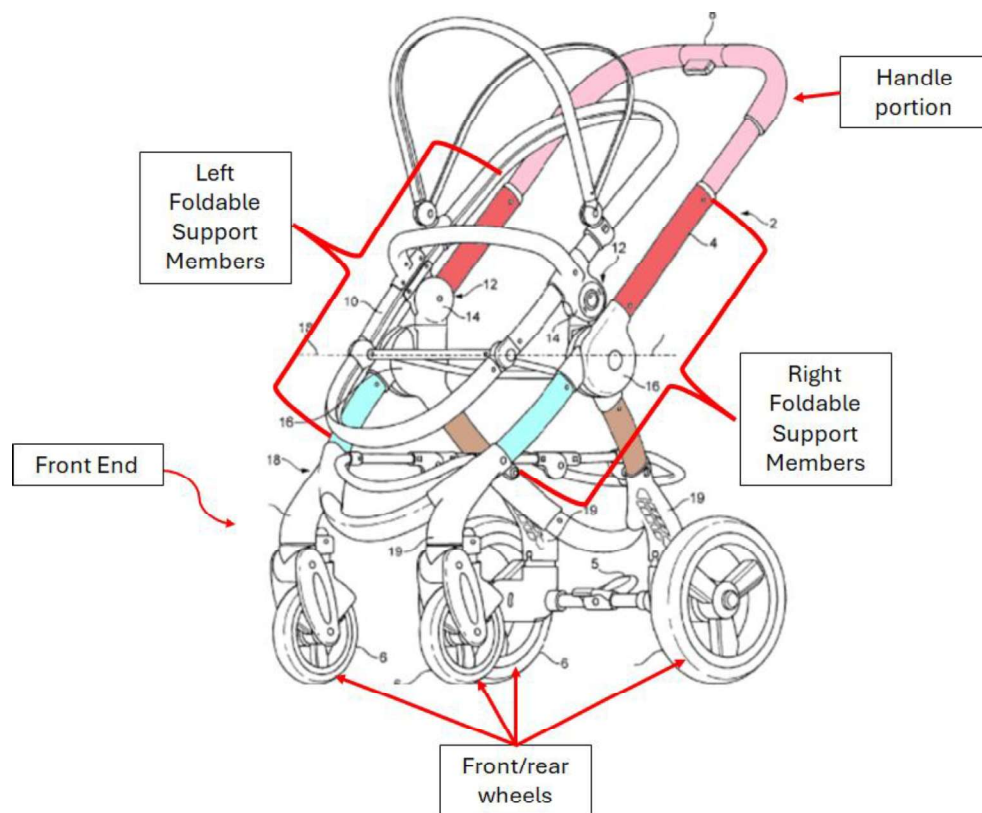
493. Offord '341 discloses that the “frame assembly 4” includes a “handle portion 8,” shown in pink. This “handle portion” is coupled to and extends from an upper portion (red) of the “frame assembly 4.”

494. The “frame assembly 4” includes side members each having right-side and left-side upper tube (red) and a right-side and left-side lower tube (light blue). The right and left side upper and lower tubes are the “left and right foldable support members.” “A “handle 8” (pink), which would be the “handle portion,” is disclosed and shown as being telescopically attached to the frame at the upper ends of the frame’s upper tubes (red).

Referring to Fig. 1, a vehicle 2 for transporting children comprises a frame assembly 4, a plurality of ground-contacting wheels 6 attached to the frame assembly 4, and a **handle 8 for grasping by the**

**controller of the vehicle 2. The handle 8 is a substantially inverted U-shaped member telescopically attached to the frame assembly 4.**

(EX1051, Offord '341, 5:45-50.)



**EX1051, Offord '341, Fig. 1**

495. A POSITA would have considered the handle 8 (pink) to be a “handle portion.” The “handle 8” is attached to the both the left and right upper support members (red) by a pair of telescopic connections.

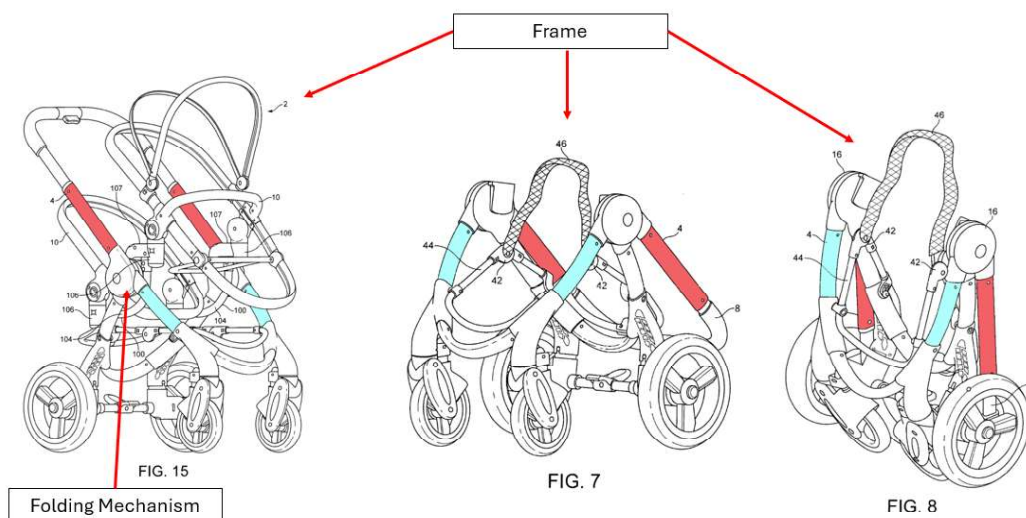
496. The red and light blue side members are “left and right foldable support members” that extend from the “handle 8” (pink) to the “front end portion” (purple). These “support members” (red + light blue) of the “frame assembly 4”

are shown above in Figures 13A and 13B. They consist of an “upper portion” (EX1051, Offord ’341, 5:61-62) and a lower portion (EX1051, Offord ’341, 6:3-4) connected by a hinge 16. (EX1051, Offord ’341, 5:60-6:06), which extend away from the handle portion 8 (pink).

497. Offord ’341 discloses the support members (red and light blue) of the frame 4 are foldable. The frame assembly 4 of Offord ’341 includes a pair of “hinge devices 16” that allow for the upper and lower portions (red and light blue) of the frame assembly 4 to fold.

The **frame assembly 4 further includes a pair of main hinge devices 16, one on each side of the frame assembly 4.** The upper portion of the frame assembly above the hinge devices 16 comprising the handle 8 (light blue) is able to turn about a substantially horizontal axis 18 in such a manner that upon being put into an unlocked condition, described hereinafter, the upper portion of the frame assembly 4 is movable about the axis 18 and downwardly through a substantially vertical plane to convert the frame assembly 4 from an **erected state**, as shown in Fig. 1, to a **semi-folded state**, similar to that shown in Fig. 7.

(EX1051, Offord ’341, 5:60-6:2.)



**EX1051, Offord '341, Figs. 15, 7, and 8 (Annotated)**

498. In my opinion, the “foldable support members” of the frame 4 extend from the handle portion 8 towards the front end of the frame in a parallel, spaced relationship.

499. Neither Claim 1, nor the specification, provide any guidance as to how far along the foldable support members must extend from the handle portion in a parallel, spaced relationship and substantially in a plane. The claim requires only that they extend “towards the front end portion of the frame.” In my opinion, this renders the claim indefinite because the specification provides no guidance in this respect. If the claim does not require the foldable support members to extend in a parallel, spaced relationship for the entire length of the support member from the handle portion to the front end, then Offord '341 meets this claim limitation. The upper support member portions (red) of the foldable support members are

clearly parallel as they extend from the handle portion towards the front of the frame.

500. To the extent claim limitation [1.3] requires the parallel relationship extend along the entire length of the “foldable support members,” it would have been obvious design choice, within the skill of a POSITA, to modify the lower support members (light blue) of Offord ’341 such that they are parallel to meet this requirement. Indeed, a POSITA, motivated by common design goals such as structural symmetry, manufacturing efficiency, and compatibility with accessories (e.g., storage baskets or footrests), would readily consider parallel lower frame members as a predictable design alternative. There is a finite number of frame configurations available (tapered inward, tapered outward, or parallel), and choosing parallel members would not alter the fundamental operation or function of the stroller. Choosing parallel members falls within this finite set, making it a “design need” or market pressure easily addressed by the POSITA. Making the lower frame members parallel involves common sense and ordinary creativity and thus, would yield no unexpected results and falls squarely within the routine skill of the art. Therefore, modifying Offord ’341 to have parallel lower frame members would have been obvious.

501. Offord ’341 further discloses the support members (red and light blue) lie substantially within a plane that runs diagonally from the handle portion (light

blue) towards the front end portion of the frame. The side view of Figure 13A<sup>24</sup> and Figure 1, reproduced below (which a POSITA would understand includes the same “frame 4” as Figure 15), shows that the first and second side members are in a common plane. Indeed, only the left side member is visible because the right side member is covered from view due to the left and right side members being in the same plane. Figures 1 and 13 illustrate the first and second side members (red and blue) extend in a parallel spaced relationship within a common plane from the handle to the front end. Given Offord '341 includes frame members that extend in a plane, a POSITA would understand if “substantially within a plane” is found to have written support and description, Offord '341 would include right/left frame members that extend “substantially within a plane.”

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<sup>24</sup> I have modified Figure 13A to remove the adapter and seat to illustrate just the stroller frame for discussion of this claim limitation.

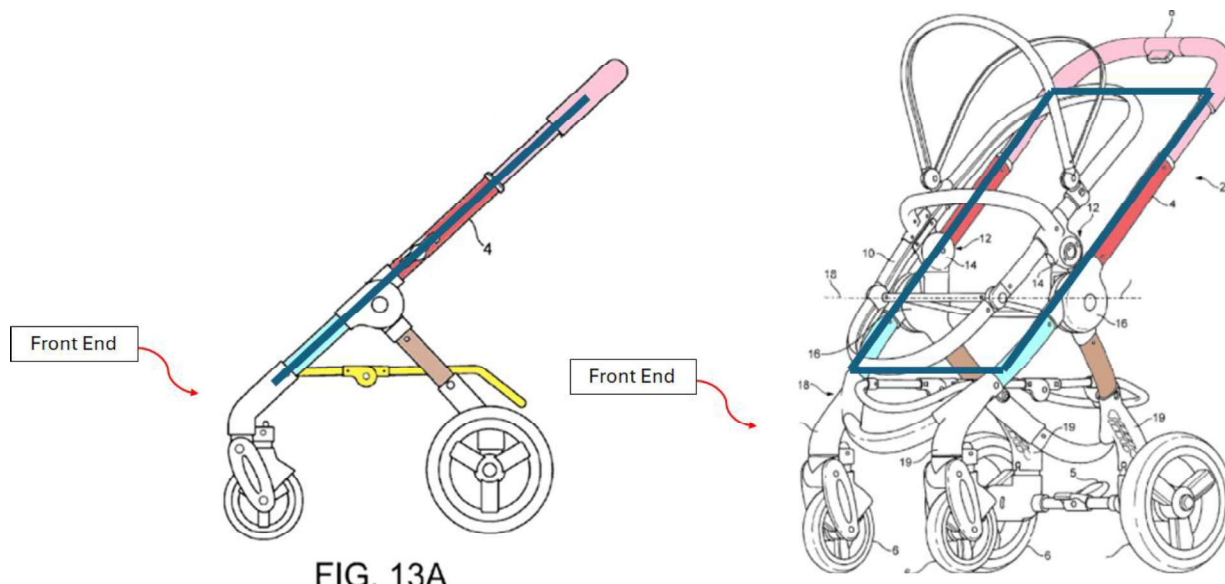


FIG. 13A

**Offord, '797, Figs. 13A (modified) and 1**

502. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitation [1.3].

*... [1.4] a first seat releasably connected to the frame at a first vertical position that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration; and*

503. As I discussed above, Offord '341 discloses a pair of child-carrying units 10 (“seats”) independently removably connected to the “frame assembly 4” to form single and dual seat configurations.

Referring to Fig. 14, two interface portion components 100 each comprise a further connecting leg 102 releasably mountable to the respective receptor cups 34 of the frame assembly 4, a downwardly curved bar 104, **and two connector sockets 106 for receiving two**



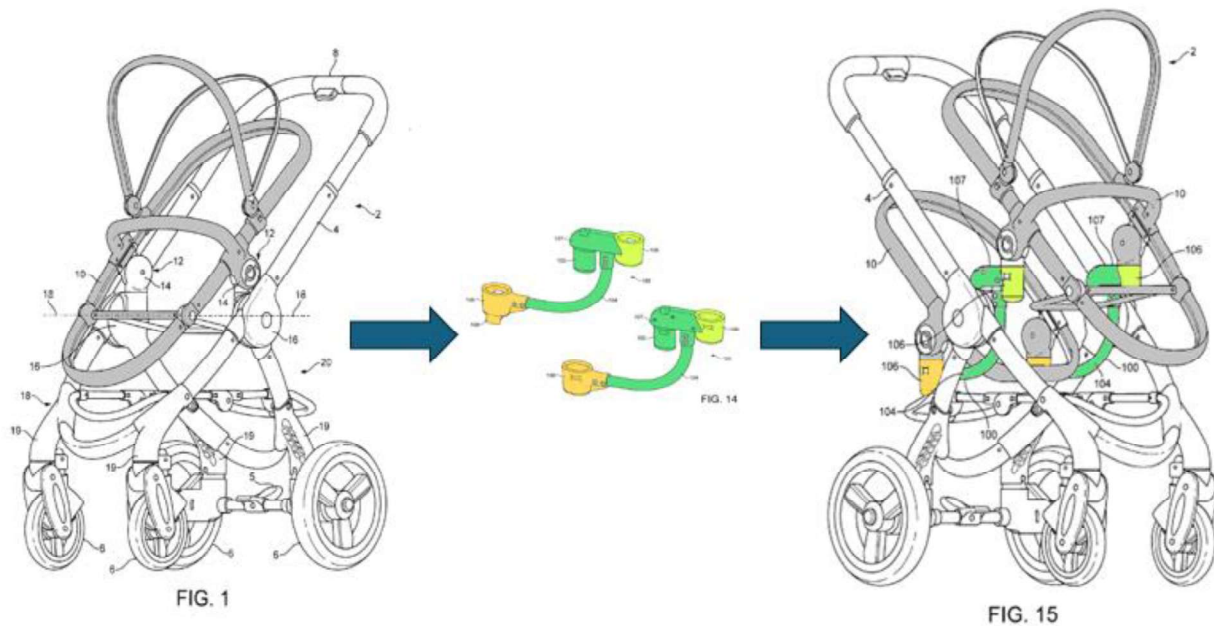
**child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.**

(EX1051, Offord '341, 9:16-22.)

When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106.

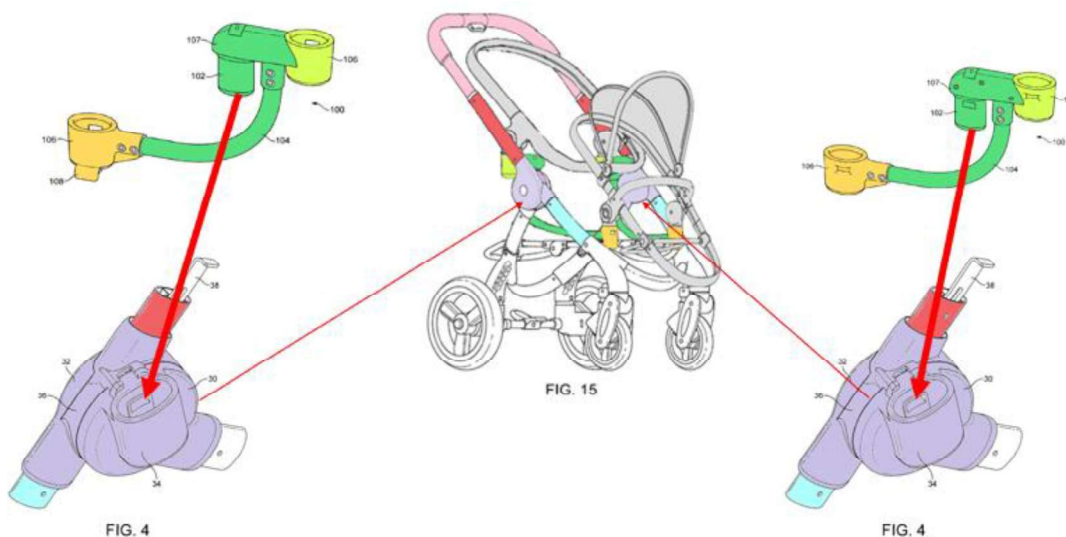
(EX1051, Offord '341, 9:23-29, see also 9:53-56.)

504. Offord '341 discloses a pair of “interface portion components 100” that function as a subframe when coupled within the “receptor cup 34 attached to the inner housing 30.” (EX1051, Offord '341, 6:29-30.) A POSITA would understand that, once connected, these components would be considered part of the “stroller frame.” A POSITA would also understand from Offord '341 that the “interface portion components 100” are designed such that they are reversible and thus, can be attached to achieve a dual stroller configuration that is either inline ascending (as shown in Figure 15 below) or inline descending.



**Offord, '797, Fig. 15**

505. A POSITA would have understood based on Offord '341 disclosure that the “interface portion components 100” were reversable, particularly in light of Offord’s other teachings. Offord '341 cites to one of his earlier patents stating, “[a] similar sub-frame arrangement is disclosed in WO 2008/040797.” (EX1051, Offord '341, 9:35-36.) A POSITA seeing this statement would be directed to review WO 2008/040797 (“Offord '797”) to find out more about the disclosed “interface portion components 100.” A POSITA, like me, would understand Offord '797 provides more details about an “interface portion” that allows a stroller to be modified as a double-seat configuration. A POSITA, like me, would have also been motivated to review the teachings of Offord '797 to determine if they could be applied to the teachings of Offord '341.



**EX1054, Offord '341, Figures 4, 14 and 15 (modified)**

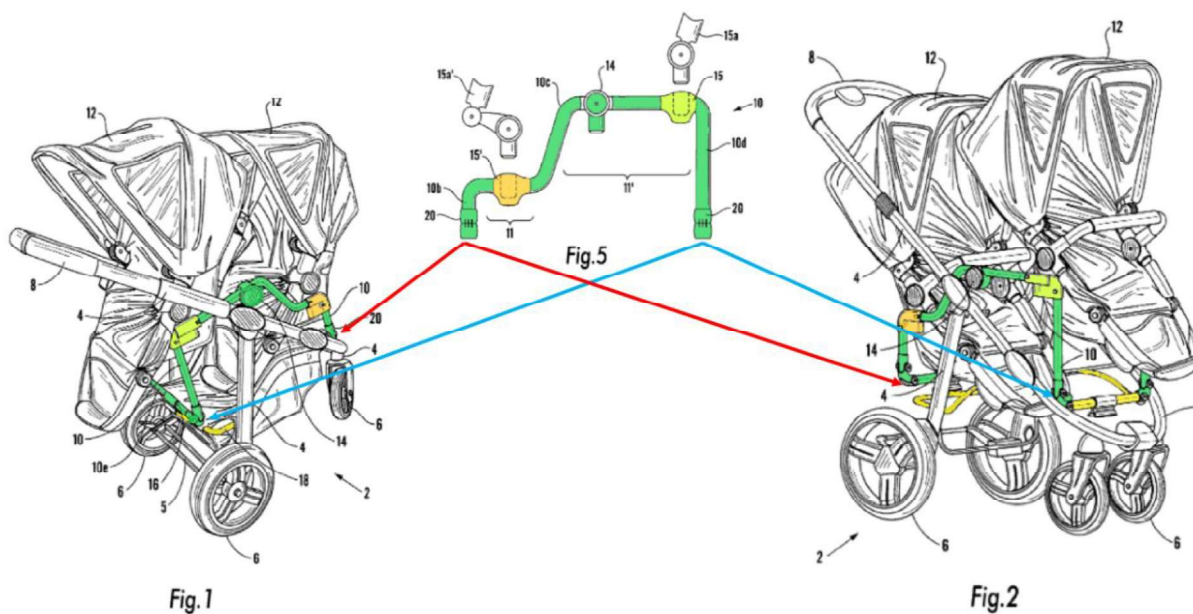
506. In reviewing Offord '797 (EX1054), I initially note it is an international patent filed by the same inventor, David Leslie Offord. Offord '797 also discloses a similar “interface portion 10” to that disclosed by Offord '341, for converting a single-seat stroller to a double-seat stroller configuration. Offord '797 even states this “interface portion 10” becomes a “sub-frame” assembly when installed on the stroller.

The vehicle 2 also includes **an interface portion 10 which forms a sub-frame of the frame assembly 4** and which has mounted thereon, one behind the other, two child-carrying units in the form of seats 12 (with adjustable sun canopies).

(EX1054, Offord '797, 3:3-7.)

507. As I have annotated below, Offord '797 discloses the “interface portion 10” (dark green) includes “sockets 15” for receiving the “adaptor piece

15a” from one of the two seats. (EX1054, Offord ’797, 3:12-14, 3:34-4:4.) Offord ’797 also discloses the “interface portion 10” can be rotated 180 degrees, which as shown, not only reverses the orientation of the seats, but also the vertical positioning of both seats. In Figure 1, the front seat is vertically lower than the rear seat (i.e., “inline descending”). But in Figure 2 (when the interface portion is reversed), the rear seat is vertically positioned lower than the front seat (i.e., inline ascending”).



**EX1054, Offord ’797, Figs. 1 and 2 (Annotated)**

Referring again to Figures 2 and 3, the interface portion 10 is dimensioned so as to be, when detached from the frame assembly 4, **turned through 180° about its central vertical axis** so that the seats 12 can, instead of being arranged in the rearward-facing configuration shown in Figure 1, be arranged in a forward-facing configuration.

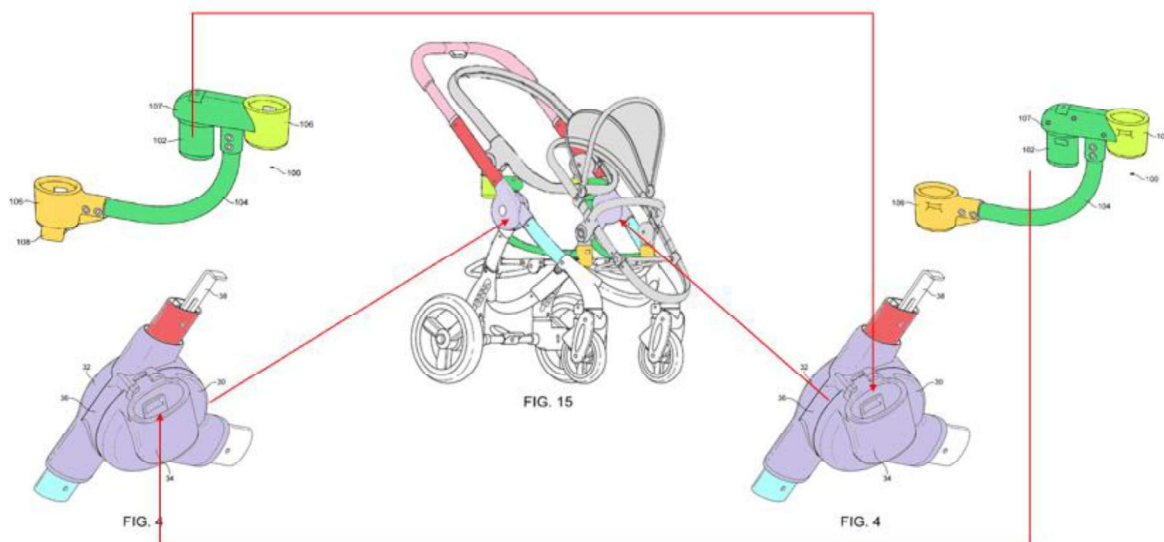
(EX1054, Offord '797, 4:24-30.)

508. Thus, Offord '797 explicitly teaches and would motivate a POSITA to reverse the orientation of the “interface portion connectors 100” of Offord '341 relative their depiction in Figure 15 to achieve an inline descending configuration.

509. A POSITA would understand that, if reversed, the “curved lug 108” would be positioned over the front portion of the “basket frame 44.” A POSITA would further recognize that the “curved lug 108” would still rest on the “frame 44” such that the weight of two infants is supported within each seat.

510. Second, a POSITA would have also understood each “leg 102” of “interface portion connectors 100” is compatible with either of the “receptor cups 34” allowing the “interface portion connectors 100” to be installed in either direction like the interface 10 disclosed in Offord '797.

511. It is my opinion that a POSITA would have been motivated (especially given the teachings of Offord '797) to reverse the orientation of the “interface portion connectors 100” by placing each into the opposite “receptor cup 34,” rather than positioning them as shown in Figure 15 (as shown below).



**EX1054, Offord '341, Figures 4, 14 and 15 (modified)**

512. It is also my opinion that a POSITA would have understood the “interface portion connectors 100” could be reversed predictively and with a reasonable expectation of success. As I discussed above regarding claim 1, Offord ’341 discloses the modularity of the “interface portion connectors 100” with the “cups 34” and detailed frame components. And, Offord ’797 explicitly discloses a reversible sub-assembly 10. (EX1054, Offord ’797, 4:24-30.)

513. As shown below, once the connectors are reversed and placed into the opposite receptor cups, the vertical positioning of the seats would also be reversed such that the rear seat would be positioned vertically above the front seat (inline descending).

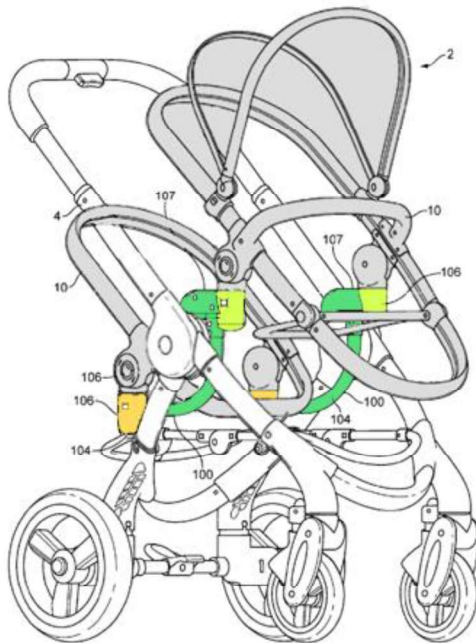


FIG. 15

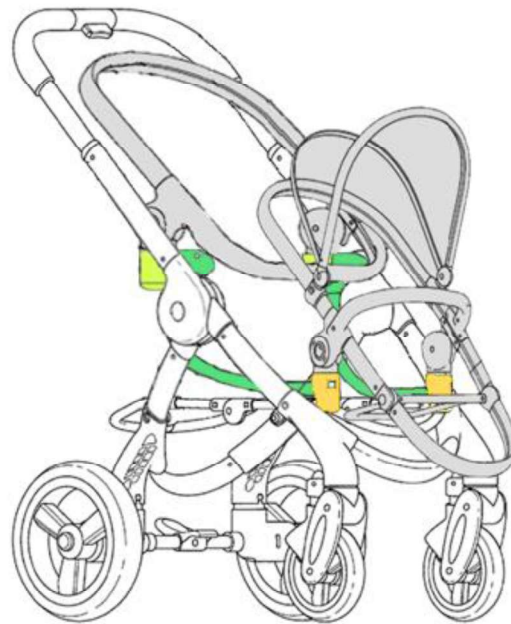


FIG. 15

**EX1051, Offord '341, Fig. 15 (left) and Offord '341 Modified Fig. 15 in view of EX Offord '797 (right) (Both Annotated)**

514. As is shown below, once reversed, Offord '341 would further teach the first seat would be coupled to the stroller sub-frame (i.e., “interface portion components 100” attached to frame) at the upper pair of “sockets 106” (lime green) at a first vertical position (V1) that is closer to the handle portion (pink) than the front end of the stroller.



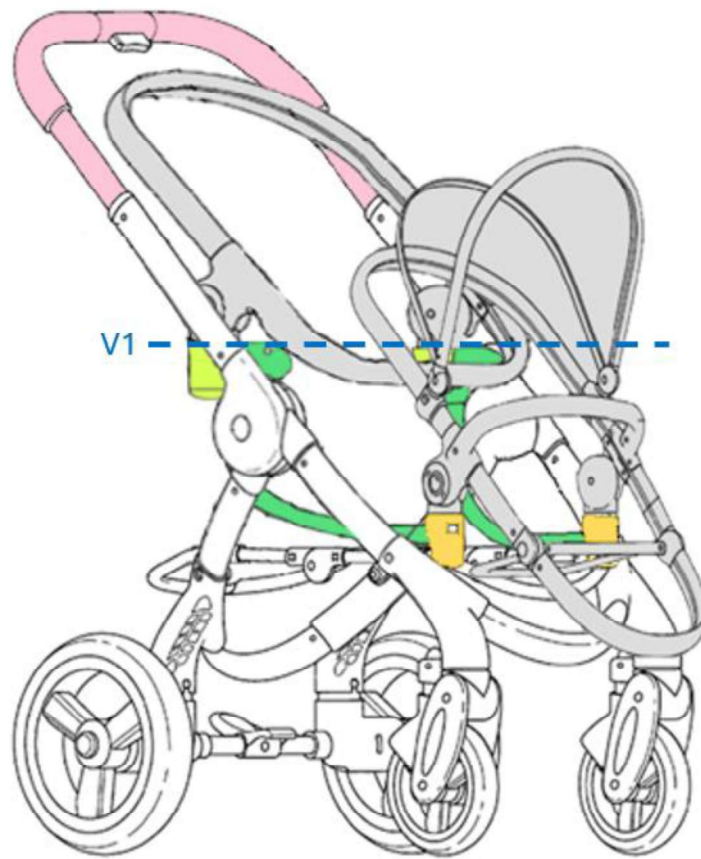


FIG. 15

**EX1051 Offord '341 Fig. 15 (Modified)**

515. In addition, a POSITA would understand that both the Offord '341 and Offord '797 subframes (“interface portion components 100”) can be interchangeably utilized in this stroller design and when the first seat is attached in an inline descending configuration, the upper first seat will be releasably connected at a position closer to the handle portion than the front end portion.

516. Both Offord '341 and Offord '797 also disclose “the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration.” A POSITA would understand that since the claim



uses “in either” in conjunction with “or”, the seat can be connectable in either direction but is not required to be reversible. Notwithstanding, both Offord ’341 and Offord ’797 teach that the seats are reversible.

517. Offord ’341 discloses the stroller with both the first and second seats facing forward. However, a POSITA would understand that the structure of the connector portions 48 and retractable detents 76 of the Offord ’341 seat attachments are such that the seats 10 can be reversed so the connector portions insert into the connector sockets 106 of the interface portion 100. As such, the seats are reversible and can be supported in either a backward or forward-facing position.

518. Moreover, Offord ’797 expressly discloses the upper first seat in both forward and backward facing positions.

Figure 1 is a perspective view from above of a vehicle with a frame assembly and an **interface portion** with two child seats **in a rear-facing configuration**.

Figure 2 is a perspective view of the vehicle with the child seats in a **forward-facing configuration**,

(EX1054, Offord ’797, 2:12-16, Figs. 1 and 2.)

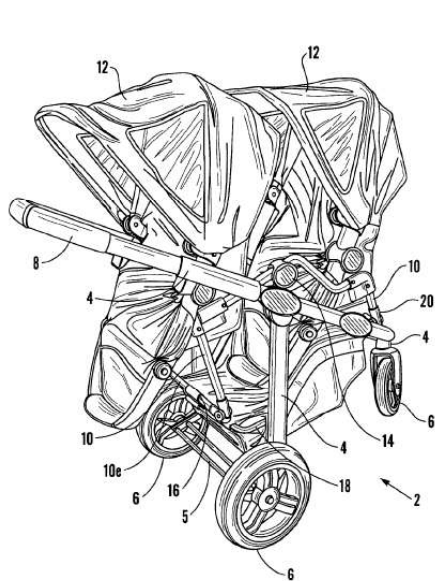


Fig. 1

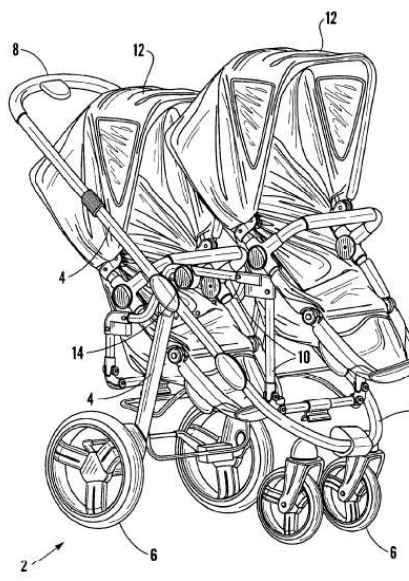


Fig. 2

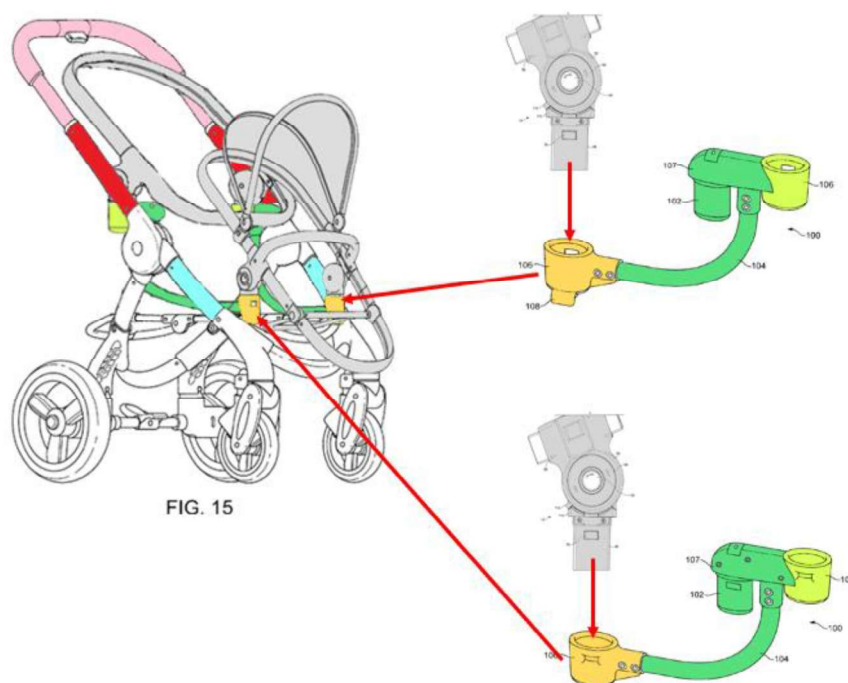
### EX1054, Offord '797 Figs. 1 and 2

519. Therefore, it is my opinion that Offord '341, alone or in combination with Offord '797, discloses or renders obvious limitation [1.4].

***... [1.5a] wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:***

520. Offord '341 discloses the frame receives a removable, second seat that when used forms the double seat configuration. (EX1041, 2:47-50, 3:65-4:7, 9:53-56.) A POSITA would understand that the second seat is “optional” in that it is removable and the stroller can function if it was not installed. Offord '341 discloses a pair of “seat mounting devices 14” (gold) fastened to the seat 10. (EX1041, Offord '341, 7:36-45.) The “seat 10” is installed on the stroller frame by

inserting the “mounting devices 14” in the “two lower sockets 106” (gold) when the optional second seat assembly is used to form the double seat configuration. (EX1041, Offord '341, 9:57-61.) The “seat 10,” the “mounting devices 14,” and the “lower sockets 106” are a “second seat assembly.”



**EX1051, Offord '341 Fig. 14, 15, and 16**

Referring to Fig. 9, the frame of the seat 10 comprises the mounting devices 14, portions of which are seen in Fig. 1. The mounting devices comprise a connecting leg 48 for releasably mounting the seat 10 to the frame assembly 4, the connecting leg 48 being inserted into the receptor cup 34 of the inner housing 30 of the hinge device 16. The connecting leg 48 is connected to a first part 50 of a rotatable hub assembly 52, also shown in Fig. 10. A second part 54 of the hub assembly 52 includes a bracket 56 for fixing to the frame of the seat

10, and is shown in Fig. 11. The first and second parts 50, 54 are rotatable relative to each other upon actuation of an actuating device. The second part 54 comprises a single actuating region.

(EX1054, Offord '341, 7:36-48.)

Fig. 12 is a perspective sectional view of one of the mounting devices of Fig. 9

(EX1054, Offord '341, 5:20-22.)

Referring to Fig. 14, two interface portion components 100 each comprise a further connecting leg 102 releasably mountable to the respective receptor cups 34 of the frame assembly 4, a downwardly curved bar 104, and **two connector sockets 106 for receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.**

When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106. The higher connector socket 106 and further connecting leg 102 are both connected to respective opposite ends of an upper mounting piece 107.

(EX1051, Offord '341, 9:16-31.)

Fig. 15 shows the components 100 mounted on the frame assembly 4 as a sub-frame assembly for the releasable mounting of two seats 10 in the connector sockets 106 in the echelon formation, one behind the other.

(EX1051, Offord '341, 9:53-56.)

521. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitation [1.5a].

*... [1.5b] 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, and*

*... [1.5c] wherein the second vertical position is closer to the front end portion than the handle portion; and*

522. As discussed in limitation [1.4], a POSITA would understand that the design of Offord '341 is such that it discloses a double seat configuration in which the two seats are inline and descending (i.e., modified Fig. 15 above.)

523. Offord '341 discloses left and right “seat attachments,” which are the lower “sockets 106” (gold of both “interface connector portions 100”) located on the left and right side of the frame.

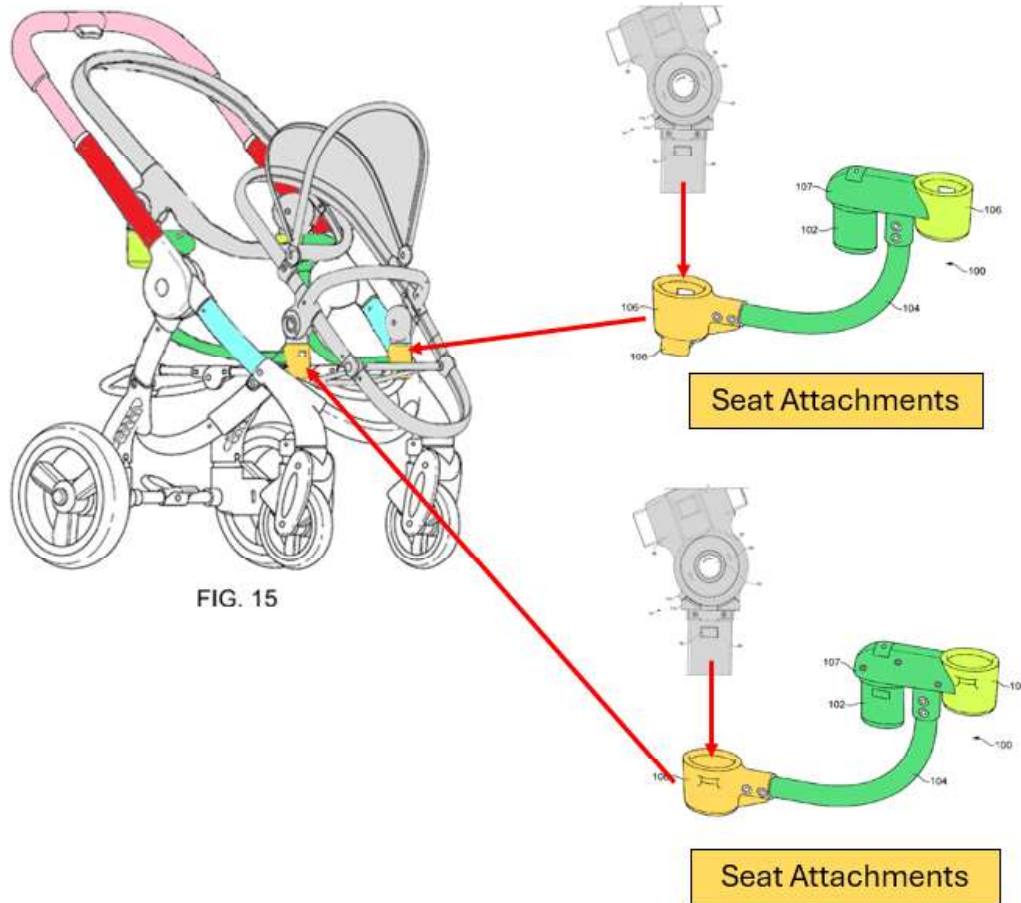
Referring to Fig. 14, two interface portion components 100 each comprise a further connecting leg 102 releasably mountable to the respective receptor cups 34 of the frame assembly 4, a downwardly curved bar 104, and **two connector sockets 106 for**

**receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.**

When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106. The higher connector socket 106 and further connecting leg 102 are both connected to respective opposite ends of an upper mounting piece 107.

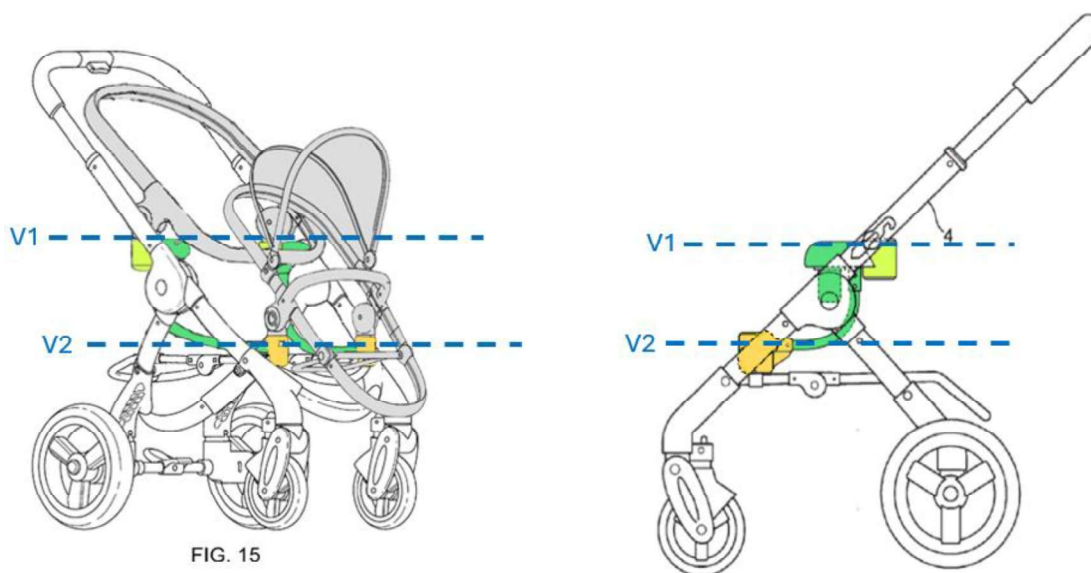
(EX1051, Offord '341, 9:16-31.)

524. Offord '341 teaches the “mounting devices 14” on the seats can be inserted into the “connector sockets 106” of the subframe in the double seat configuration. (EX1051, Offord '341, 9:57-67.)



EX1051, Offord '341 Fig. 9

525. A POSITA understands that when the “interface portion components 100” are reversed, as discussed above, the lower “connector sockets 106” (“seat attachments” (gold)) are disposed along the “foldable support members” at a vertical position (V2) that is both lower than the first vertical position (V1), and closer to the “front end portion” of the stroller than to the “handle portion.”



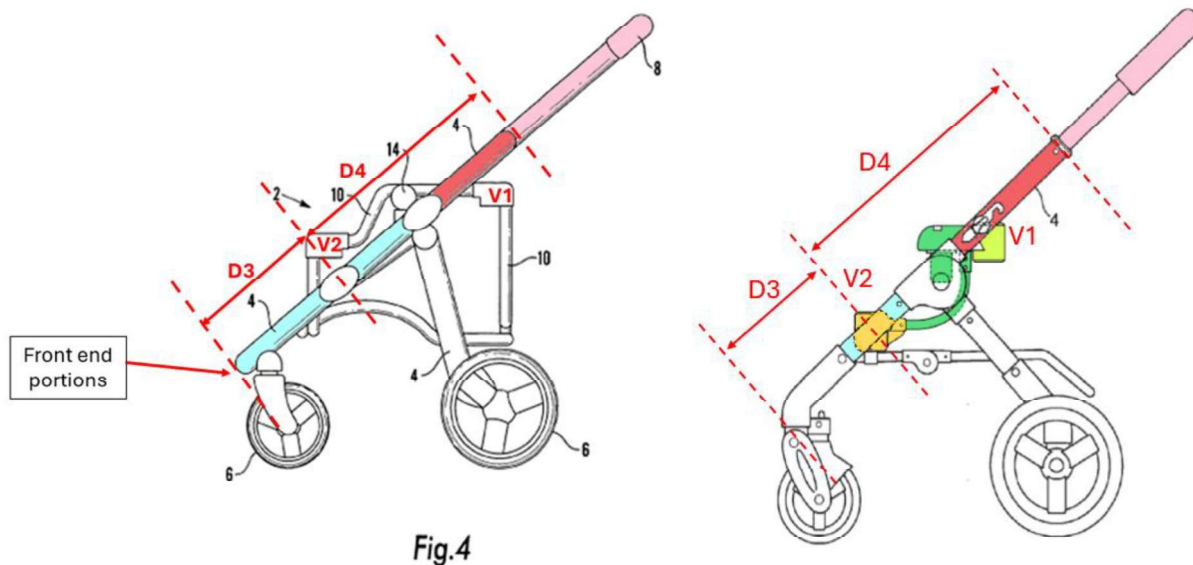
**EX1051, Offord '341 Figs. 15 and 13A (Modified)**

526. Similarly, as discussed above, a POSITA would also have been motivated to use the subframe of Offord '797 in the Offord '341 frame. As shown below, Offord '797 and '341 disclose nearly identical stroller frame designs. Both also disclose the use of a subframe assembly that is coupled to the existing receptor cups of the original stroller frame design. Given Offord '343 directs a POSITA to the design of Offord '791, a POSITA would have understood there to be a high likelihood of success that the Offord '791 subframe assembly would operate within the stroller design (and “receptor cups 34”) of Offord '343. This is especially true given most stroller designs at this time used “receptor cups” that were designed to be “universal” for coupling various different stroller seats and accessories—including competitor’s seats.

527. When doing so, the Offord '797 seat attachments (termed “sockets



15”) are disposed along the right and left support frames (red and light blue) at a second vertical position (V2) that is lower than the first vertical position (V1). (EX1054, Offord ’797, 3:31-4:4.) The second vertical position is spaced from the front end portion by a distance (D3) and spaced from the handle portion 8 by a distance (D4). The third distance (D3) is shorter than the fourth distance (D4). Therefore, second vertical position (V2) is closer to the front end portion than the handle portion (pink). This would even be true when evaluating Offord ’343 when the “interface portion connectors 100” are reversed as shown below right. Both interface portions and both stroller designs teach a POSITA that the second vertical position.



EX1054, Offord ’797 Fig. 4 and EX1051, Offord ’341 Modified Fig. 13A

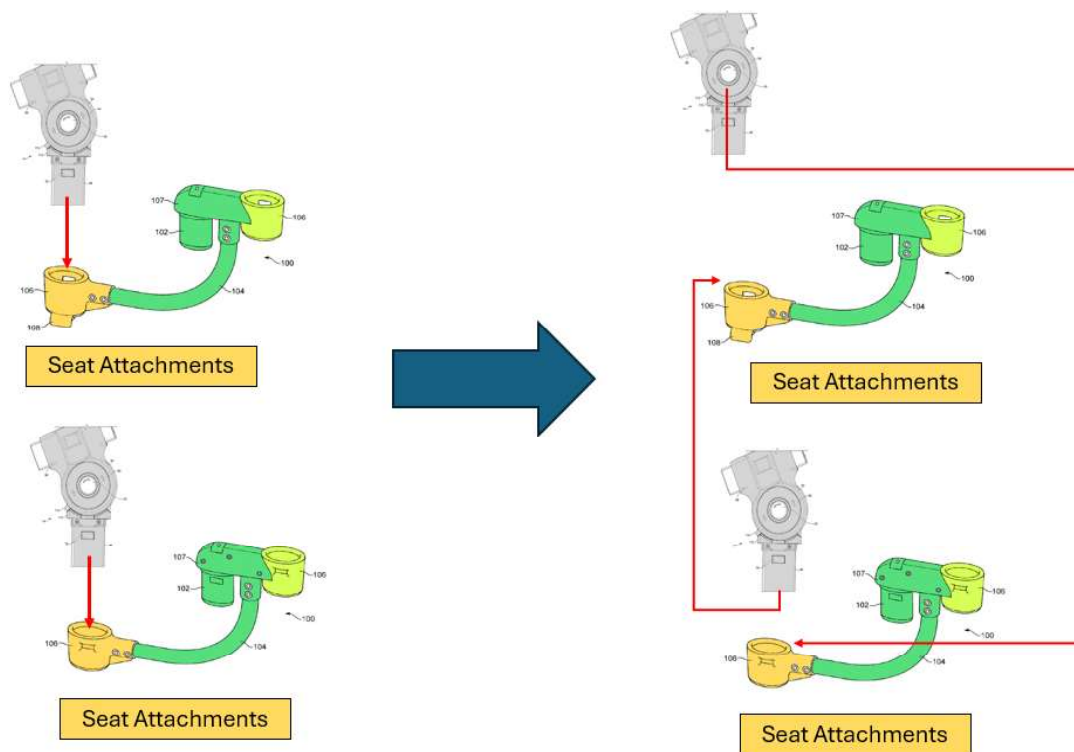
528. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitations [1.5b] and [1.5c].

*... [1.5d] a second seat connectable to the right and left seat attachments in either a forward or backward facing position;*

529. As discussed above, Offord '341 has a lower seat disclosing the “second seat.” Claim limitation [1.5d] recites, “a second seat being connectable to the right and left seat attachments in either a forward or backward facing position.”

530. A POSITA would understand that since the claim uses “in either” in conjunction with “or” the seat can be connectable in either direction but is not required to be reversible. Notwithstanding, both Offord '341 and Offord '797 teach that the seats are reversible.

531. Offord '341 discloses the stroller with both the first and second seats facing forward. However, a POSITA would understand that the structure of the “connector portions 48,” “retractable detents 76,” and the “sockets 106” of Offord '341 allow the seats 10 to be reversible and can be supported in either a backward or forward-facing position as I discussed above in limitation [1.4].



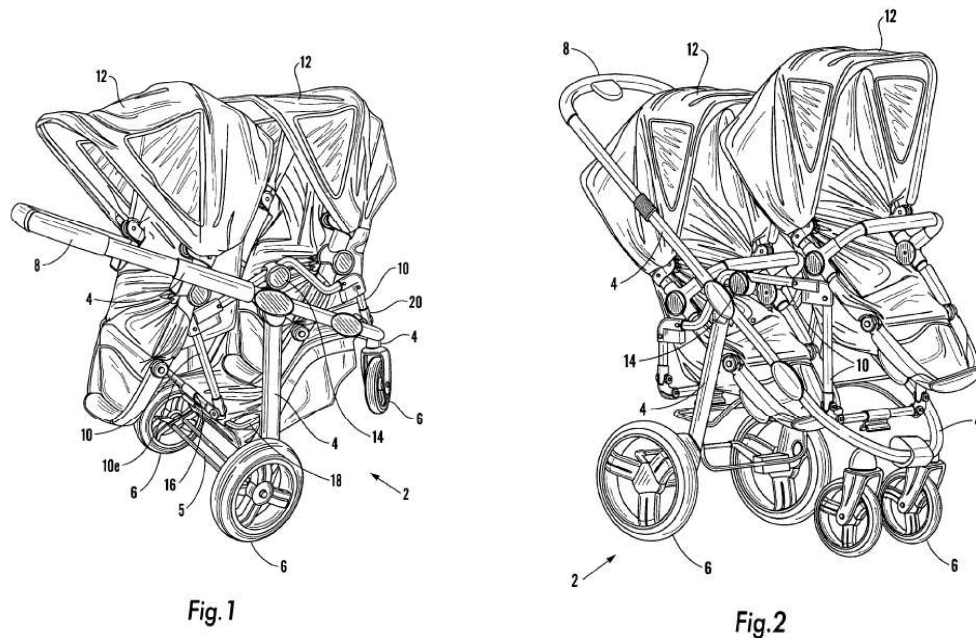
**EX1054, FIGS. 9 and 14 (modified)**

532. Alternatively, Offord '797 expressly discloses seats in both forward and backward facing positions.

Figure 1 is a perspective view from above of a vehicle with a frame assembly and an **interface portion** with two child seats **in a rear-facing configuration**.

Figure 2 is a perspective view of the vehicle with the child seats in a **forward-facing configuration**,

(EX1054, Offord '797, 2:12-16, Figs. 1 and 2.)



**EX1054, Offord '797 Figs. 1 and 2**

533. In Figure 1, Offord '797 discloses a second seat 12 connectable to the frame assembly 4 in the backward facing position. This is all claim limitation [1.5d] requires. However, Offord '797 also discloses the seats in the forward-facing configuration in Figure 2. Therefore, to the extent limitation [1.5d] requires the seats to be reversible, Offord '797 discloses this.

**Figure 1** is a perspective view from above of a vehicle with a frame assembly and an interface portion with **two child seats in a rear-facing configuration**, **Figure 2** is a perspective view of the vehicle with the child seats in a **forward-facing configuration**.

(EX1054, Offord '797, 2:12-16.)

Referring again to Figures 2 and 3, the interface portion 10 is dimensioned so as to be, when detached from the frame assembly 4,

turned through 180° about its central vertical axis so that the seats 12 can, **instead of being arranged in the rearward-facing configuration shown in Figure 1, be arranged in a forward-facing configuration.**

(EX1054, Offord '797, 4:24-30.)

534. For the above reasons, Offord '797 discloses a lower seat 12 (“second seat”) connectable to the “adaptors 15a” (“right and left seat attachments”) in a backward facing position. (EX1054, Offord '797, 3:27-4:4.) Thus, a POSITA would understand that, if reversible seats were desired, it could use the subframe (“interface connector portion”) of Offord '797 in the Offord '341 frame to achieve that desired purpose.

535. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitation [1.5d].

***... [1.5e] wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.***

536. As I have stated herein, Offord '341 illustrates and teaches a dual-seat configuration where the first seat and second seat can be connected to the frame in an both inline ascending and descending configurations. Offord '341 discloses that the height difference and lateral spacing created by the curved bar 104 places the two seats “one behind the other, in an echelon formation, on a vehicle frame

assembly” (EX1051, Offord ’341, 9:16-22, see also 3:65-4:1.)

**When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106.**

(EX1051, Offord ’341, 9:22-29.)

537. A POSITA would have understood it would be obvious to reverse the orientation of the sub-frame (including the interface portion components 100) 180 degrees from that shown as discussed above. Once the orientation is reversed, the upper “connector sockets 106” (green) are in the rear and the lower “connector sockets 106” (gold) are in the front, as explicitly disclosed by Offord ’797. (EX1054, Offord ’797, 4:24-30.) With the sub-frame in this orientation, the “first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration along the stroller frame.” I have attempted to illustrate

this using the red arrow in the figure below right.<sup>25</sup> frame.”

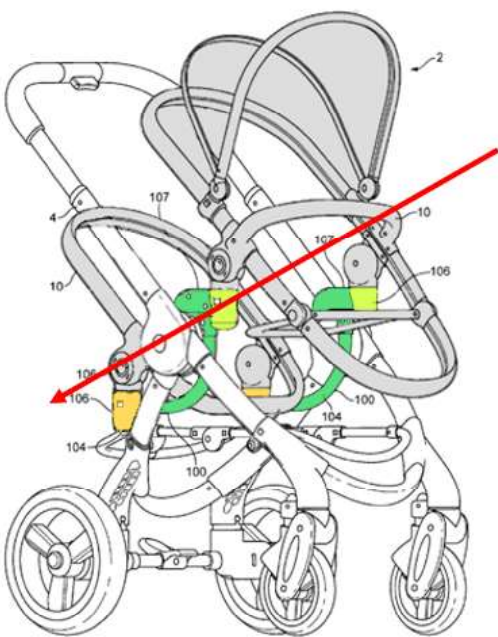


FIG. 15

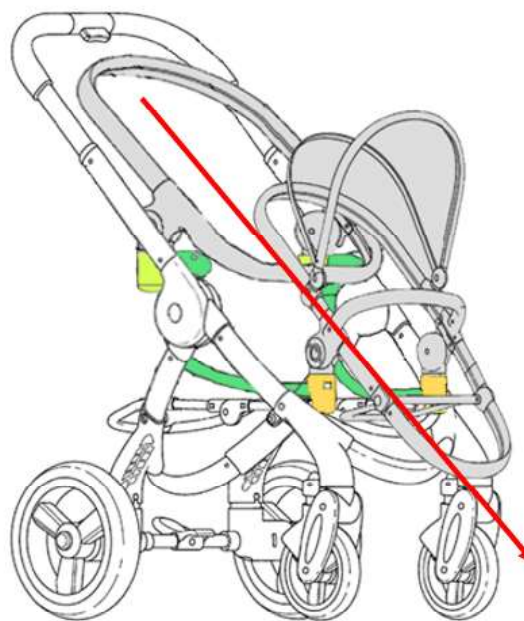


FIG. 15

**EX1051, Offord '341, Fig. 15 (Annotated on left), Modified Fig. 15 (Annotated on right)**

538. Moreover, a POSITA would have found it obvious to have the seats of Offord '341 inline descending *along* the stroller frame because the horizontal and vertical difference between the upper and lower “connector sockets 106” are adjustable. (EX1051, Offord '341, 9:37-52.) Offord '341 teaches to adjust the

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<sup>25</sup> I attempted to assume where the infant’s buttocks would be located, but given these are seat “frames,” my arrow may be slightly off. Even a slight adjustment would not affect my analysis.

relative placements of the connector sockets to match the center of gravity and improve safety. A POSITA reading Offord '341 would have understood that matching placement of the “connector sockets 106” to match the diagonal angle of the sides of the frame would “prevent any possibility of dangerous tilting or toppling over” as taught. (EX1051, Offord '341, 9:45-52.)

539. Similarly, a POSITA would understand that, if an inline descending configuration were desired, it could also use the subframe (“interface connector portion 100”) of Offord '797 in the Offord '341 frame to achieve that desired purpose.

540. Offord '797 discloses the first and second seats are arranged in an inline descending configuration substantially along the plane (purple line) of the frame.

Whichever seating configuration is preferred, **the seats 12 are arranged in a compact echelon formation**, the seat 12 being mounted the interface portion 10 at section 11' in the respective **sockets 15 being slightly higher than the other seat 12 mounted on the section 11.**

(EX1054, Offord '797, 5:3-7.)



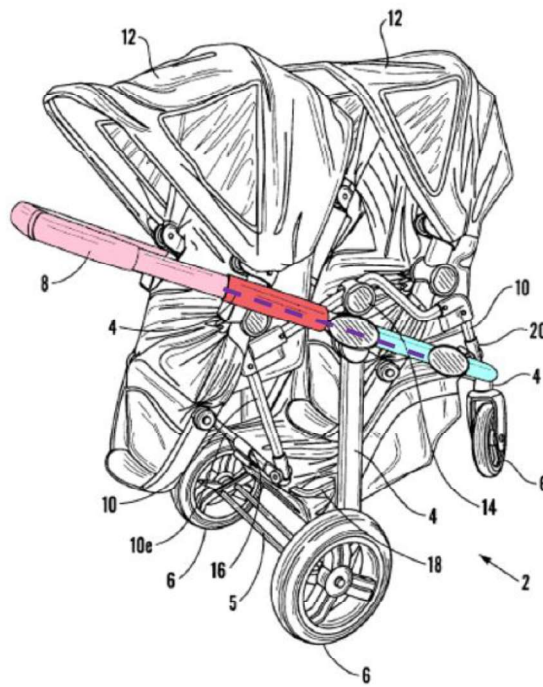


Fig. 1

**EX1054, Offord '797 Fig. I**

541. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious limitation [1.5e].

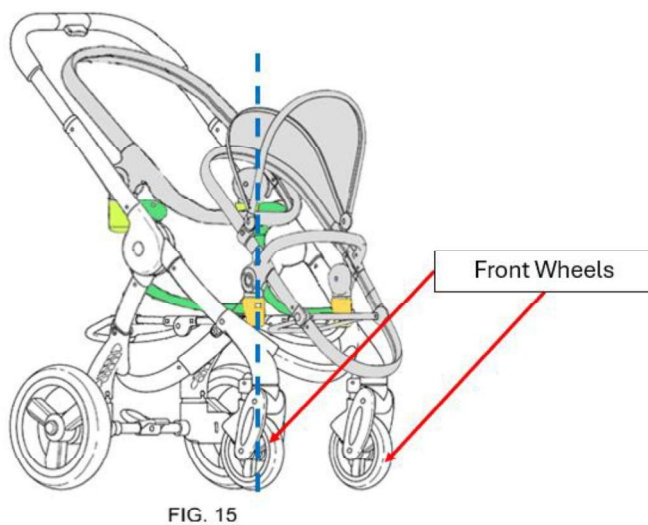
542. For the reasons discussed above, it is my opinion Offord '341 discloses or renders obvious claim 1 either alone or in view of Offord '771.

*... [2.0] The stroller of claim 1, wherein the second seat is connectable above the two front wheels.*

*... [3.0] The stroller of claim 2, wherein above the two front wheels is substantially over the two front wheels.*

543. Once modified such that the “interface portion components 100” are reversed, or the Offord '797's “interface portion” is installed, the lower seat 12

would be connected to the storage basket above and substantially over the front two wheels 6, as illustrated in modified Figure 15, reproduced below.



**EX1051, Offord '341, Fig. 15 (Modified and Annotated)**

544. Moreover, Offord '341 teaches that seat placement can be adjusted, for e.g., as a child grows, to adjust the relative placements of the connector sockets to match the center of gravity and improve safety. A POSITA reading Offord '341 would have understood that matching placement of the “connector sockets 106” to match the diagonal angle of the sides of the frame would “prevent any possibility of dangerous tilting or toppling over” as taught. (EX1051, Offord '341, 9:45-52.) Thus, a POSITA would understand that the first seat can be moved more backward and the second seat more forward – and thus, extending further over the front wheels.

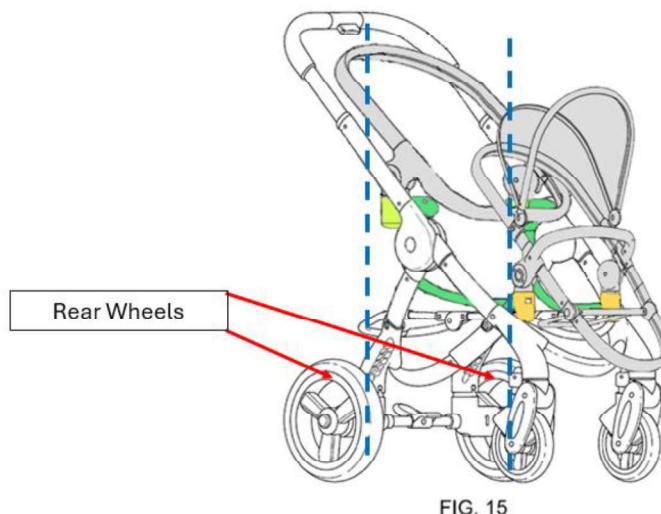
545. Offord '341's teachings also make clear the portion of the second

(lower) seat where the infants buttocks is located could not extend outward in front of the stroller because that would shift the center of gravity forward to a position that could cause it to topple or tilt. Even without Offord's express teachings, a POSITA would have determined the second seat would need to be positioned primarily over the front wheels, and not too far forward of the stroller's front end, to provide for safe operation. Likewise, in a dual-seat configuration, the second seat could not be shifted backward away from the front wheels without interfering with the first upper seat. So while shifting back might not cause an unsafe situation, it would make it impossible to have a dual-seat configuration.

546. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claims 2 and 3.

*... [4.0] The stroller of claim 3, wherein the first seat is connected to the stroller frame substantially over the two rear wheels so that a center of gravity of the stroller is between the front and rear wheels.*

547. Modified Figure 15 shows the upper seat ("first seat") connected to the stroller frame substantially over the two rear wheels 6, thus putting the center of gravity of the stroller between the two wheels. Such a position would ensure the center of gravity for the weight of both infants is primarily between the front and rear wheels as Offord teaches. A POSITA would have understood this would be the most desirable location for the first seat.



**Modified Offord '341 Fig. 15**

548. Moreover, as discussed above, Offord '341 teaches that seat placement can be adjusted, for e.g., as a child grows, to adjust the relative placements of the connector sockets to move the first seat back and over the rear wheels. A POSITA reading Offord '341 would have understood that matching placement of the “connector sockets 106” to match the diagonal angle of the sides of the frame would match the center of gravity to put it between the wheels and “prevent any possibility of dangerous tilting or toppling over.” (EX1051, Offord '341, 9:45-52.) Thus, a POSITA would understand that the first seat can be moved more backward and the second seat more forward – and thus, extending further over the front wheels.

549. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 4.

*... [5.0] The stroller of claim 4, wherein the seat attachments have connector portions configured to connect to the right and left support members.*

550. Offord '341 discloses that the lower “connector sockets 106” (i.e., “seat attachments”) have “downwardly curved lugs 108” meant to rest on the “storage basket 44.”.

Referring to FIG. 14, two interface portion components 100 each comprise a further connecting leg 102 releasably mountable to the respective receptor cups 34 of the frame assembly 4, a downwardly curved bar 104, and two connector sockets 106 for receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.

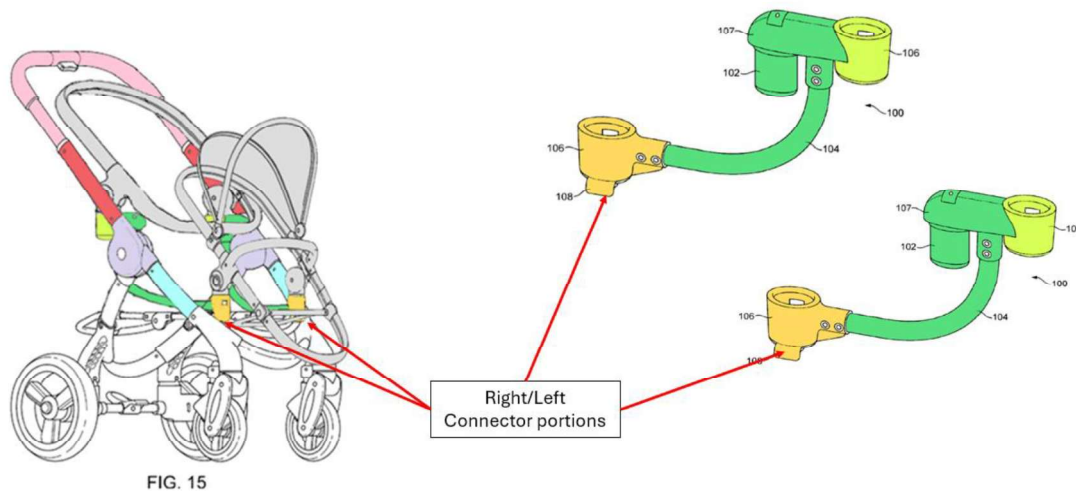
When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106. The higher connector socket 106 and further connecting leg 102 are both connected to respective opposite ends of an upper mounting piece 107.

**In addition, on the inner side of the lower connector sockets 106 there is a downwardly curved lug 108 which serves to rest upon a part of the basket frame 44, such that the weight of two infants is**

**fully supported by the frame assembly 4.** A similar sub-frame arrangement is disclosed in WO 2008/040797.

(EX1051, Offord '341, 9:16-36.)

551. A POSITA would understand that the “lugs 108” are the recited “connector portions” as they rest on “basket frame 44” and are designed to support the weight of the infants within the seats along the “basket frame 44.” The “basket frame 44” is coupled to the lower right/left frame support members. The lugs 108 are therefore indirectly connected to the right/left support members vis-à-vis the “basket frame 44.”

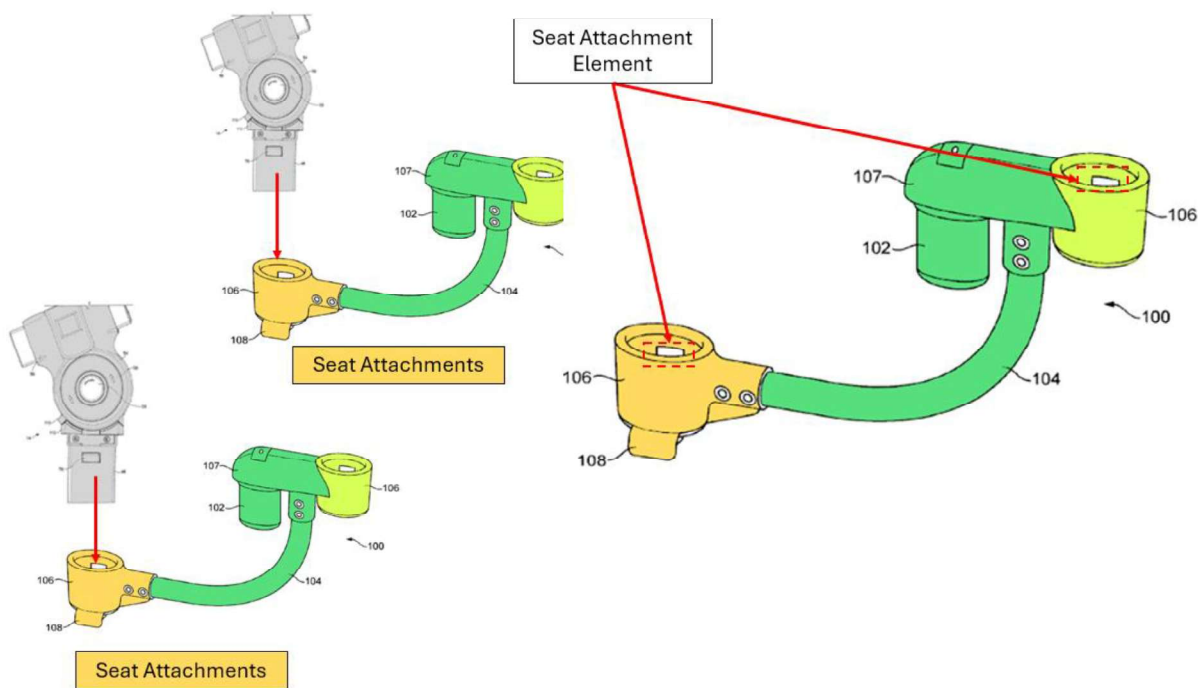


**EX1051, Offord '341 Figs. 15 and 14 (both modified)**

552. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 5.

***... [6.0] The stroller of claim 5, wherein the seat attachments have seat attachment elements configured to releasably support the second seat in either the forward or backward facing position.***

553. Offord '341 discloses that the “seat attachments” (i.e., “connector sockets 106” (gold)) have slots for receiving “detents 76” located on the “connecting legs 48” of the “second seat assembly” to lock the seat in place. (EX1041, Offord '341, 8:27-39.) The slots are “seat attachment elements” of the “connector sockets 106” that cooperate with the “detents 76” to “releasably support” the seats to the stroller frame. The lower “seat 10” (“second seat”) can be removed by depressing a button 59 that retracts the “detent 76,” so that the mounting devices 14” can be removed from the “sockets 106.” (EX1041, Offord '341, 8:27-39.)



**EX1051, Figs. 14 (modified) and 16**

554. These retractable “detents 76” project through and snap-fit into a corresponding connection slot (“seat attachment element”) in the “interface portion components 100.” These slots in cooperation with the “detents 76” operate to releasably support the second seat.

The outer annular channels 62, 62' and the substantially straight channel 68 house a key-shaped element 74 which terminates in the channel 68 with a **retractable detent 76 (see Fig. 12), which projects through a hole in the connecting leg 48 and which serves to releasably mount the seat 10 to the frame assembly 4.**

(EX1051, Offord '341, 8:1-6).



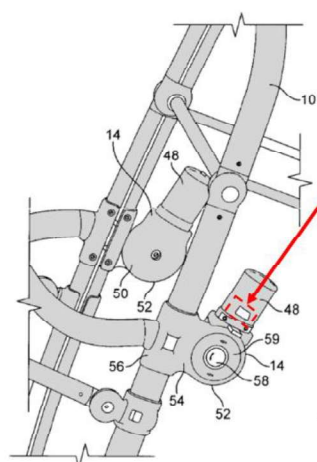


FIG. 9

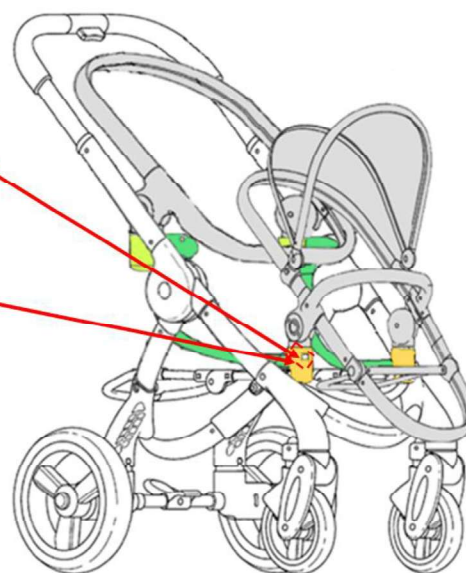
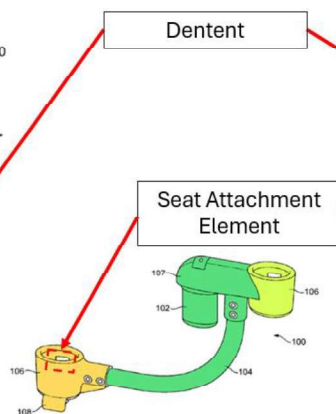


FIG. 15

**EX1051, Offord '341, Figs. 15 (modified) and 9, 14**

555. A POSITA would understand that the “slot” on each “seat attachment” of Offord '341 is the “seat attachment element” that releasably supports the second seat.

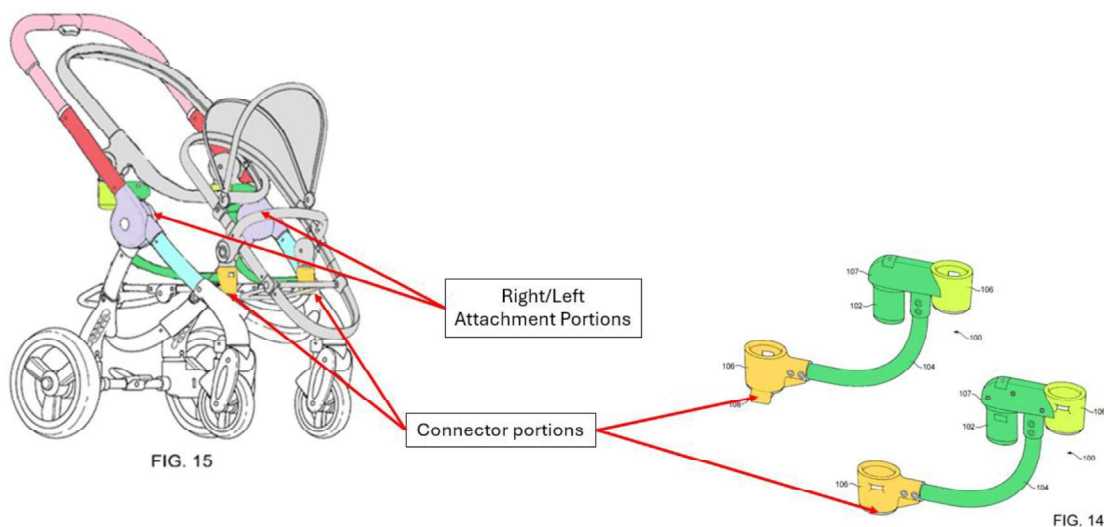
556. Offord '341 discloses the stroller with both the first and second seats facing forward. However, a POSITA would understand that the structure of the “connecting legs 48” and “retractable detents 76” are such that the seats 10 can be reversed with “connecting legs 48” still being receivable in the “sockets 106” of the “interface portion 100” and the “detents 76” still latching with a “slot.” Figure 17 illustrates the same type of slots on the “receptor cups 34” of the stroller frame for receiving the “detents.” As such, the seats are reversible and can be supported in either a backward or forward-facing position. This was also discussed above in

claim 1; see above.

557. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 6.

*... [7.0] The stroller of claim 6, wherein the right support member includes a right attachment portion and the left support member includes a left attachment portion, the right and left attachment portions configured to support the connector portions of the seat attachments.*

558. As I discuss in limitation [1.3] above, Offord '341 discloses a “frame 4” having a “right foldable support member” and a “left foldable support member” (red and light blue).



### EX1051, Offord '341, Figs. 15 (modified), 14 and 16

559. Each “interface connector portion 100” (subframe) has a “connecting leg 102” for coupling to the stroller frame. More specifically, the “legs 102” are

receivable in the “receptor cups 34” (purple) disposed on the “hinge devices 16” of the “foldable support members.”

Referring to Fig. 14, **two interface portion components 100 each comprise a further connecting leg 102 releasably mountable to the respective receptor cups 34 of the frame assembly 4**, a downwardly curved bar 104, and two connector sockets 106 for receiving two child-carrying units in the form of the seat 10 or infant car seats and carry-cots, or a combination thereof.

**When the interface portion components 100 are attached to the frame assembly 4 they form a sub-frame of the frame assembly 4**, and when the child-carrying units are mounted thereon, one behind the other, they are in a compact echelon formation, one of the connector sockets 106 of each component 100 being at a higher level in relation to the ground than the other connector sockets 106.

(EX1051, Offord '341, 9:14-30.)

560. A POSITA would understand the “receptor cups 34,” which are attached to the frame, are the “right and left attachment portions.” These “receptor cups 34” (“attachment portions”) receive and support the entire “interface component 100,” which includes the “lugs 108” (“connector portions”). Therefore, the “receptor cups 34” (“attachment portions”) are “configured to support the connector portions of the seat attachments” as claimed.

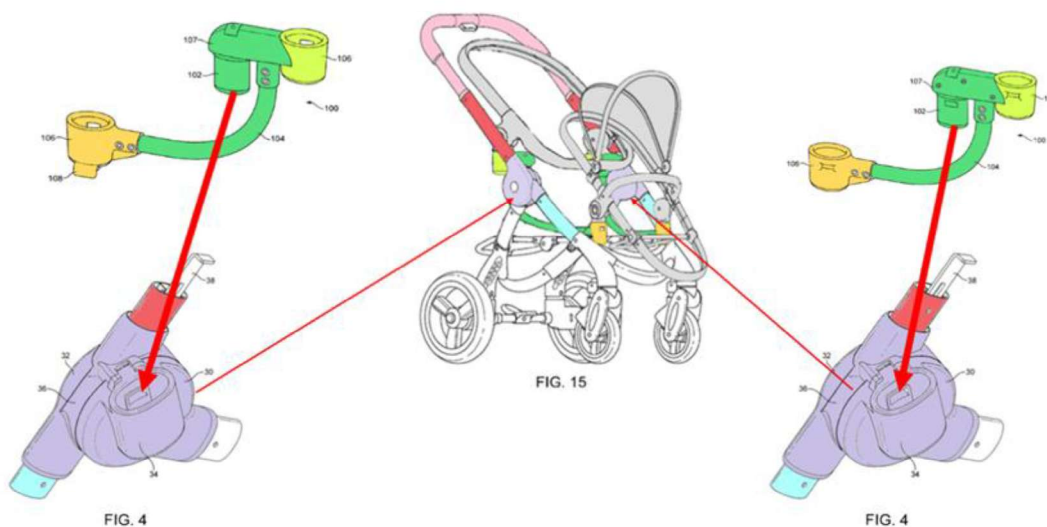
The good stability of the vehicle 2 in the double carriage arrangement is also maintained by restricting the rotational movement of the mounting units 14,

**the connector legs 48 being insertable in the connector sockets 106 of the interface 60 portion components 100.**

(EX1051, Offord '341, 9:57-61.)

561. This is illustrated in Figures 14-16 below.

562. Both the left and right “foldable support members” include the “receptor cups 34” shown purple. (See Fig. 15 below).



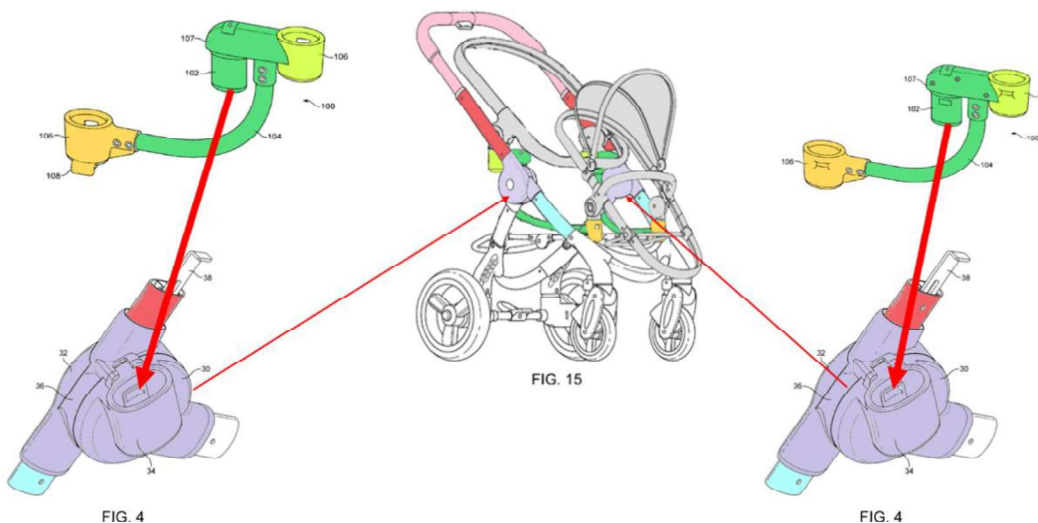
**EX1051 Offord '341 Figs. 14, 15 (modified), and 16**

563. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 7.

***... [8.0] The stroller of claim 7, wherein the right and left attachment portions define right and left slots configured to receive the connector portions of the seat elements.***

564. Offord '341 discloses that the “attachment portions” (“receptor cups 34” (purple)) define openings or “slots” that are configured to receive the

“connecting legs 102” on the “interface connecting portion 100.” As shown below, the “attachment portions” are elongate, narrow apertures for receiving the “legs 102” of the seat attachments. A POSITA would understand these to be the claimed “slots.”



**EX1051 Offord '341 Figs. 4, 15 (modified), and 14**

565. To the extent the opening in the attachment portion 106 is considered to be too round to be considered to be a “slot,” it would have been obvious to a POSITA to modify the aperture to be a more ovular or have any other shape. Modifying the shape of an aperture into a slot is a predictable design change. Both are openings and the only importance for the shape of the “cup 34” is that it matches the shape of the “legs 102” so they can couple. Indeed, slots are specifically disclosed in Offord '341 for another connection.

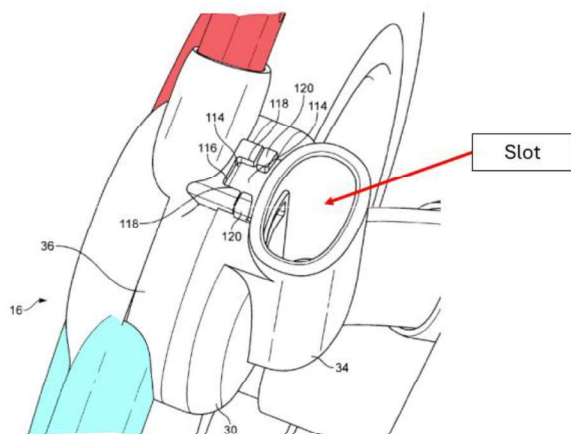


FIG. 17

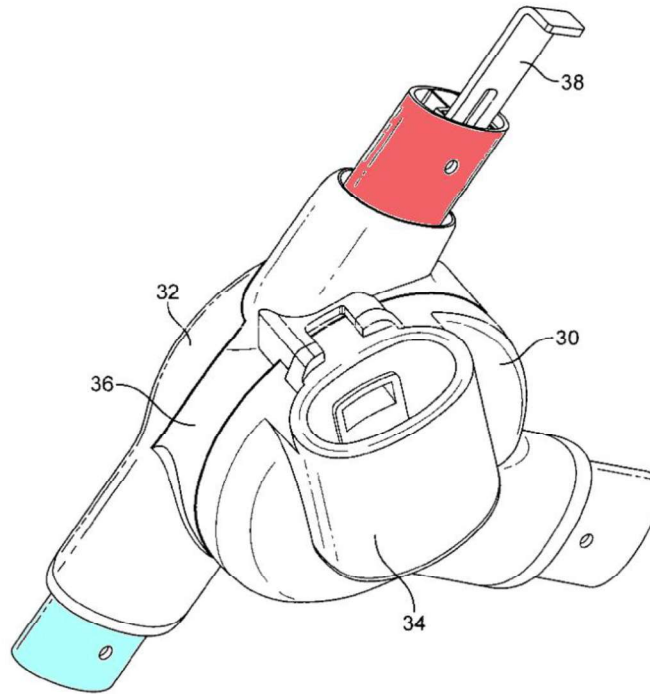
**EX1051, Offord '341, Fig. 17**

566. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 8.

***... [9.0] The stroller of claim 8, wherein the right and left support members include a pair of tubular structures.***

567. Offord '341 discloses that the frame assembly 4, which includes the right and left foldable support members, is formed from tubular structures. Figure 4 below also illustrates a view of the hinge mechanism where the “receptor cup 34” is positioned. This figure also illustrates the stubs where the upper tube would be coupled (I have annotated this location in red) and where the lower tube would be coupled (I have annotated this location in light blue). A POSITA would understand the upper/lower tubing would be hollow “tubular” structures to fit over and couple to the stubs of the folding mechanism.

(EX1051, Offord '341, 6:37-39.)



**EX1054, Fig.4 (annotated)**

568. Therefore, Offord '341 discloses forming the left and right “foldable support members” from tubular structures. If they were not tubular, they would not be able to fit over and couple to the connection points shown in Figure 4.

569. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 9.

*... [10.0] The stroller of claim 9, wherein the frame further comprises a rear wheel support portion and wherein the rear wheels are coupled to the rear wheel support portion.*

*... [11.0] The stroller of claim 10, wherein the rear wheel support portion is attached to the left and right foldable members.*

570. Offord '341 discloses the rear wheels 6 are coupled to the left and right foldable support members (red/light blue) of the frame assembly 4 by a “rear wheel support portion” (brown). As I have discussed in limitation [1.3], the upper (shaded red), lower (shaded light blue), and rear (shaded brown) frame members are able to rotate between a folded and unfolded position via the “hinge device 16.” As is also shown by Figure 1 below, the Rear wheel support portions (brown) are coupled via the pair of rear “mouldings 19” to a pair of rear wheels.

Referring to Fig. 1, a vehicle 2 for transporting children comprises a frame assembly 4, a plurality of ground-contact-ing wheels 6 attached to the frame assembly 4 ...

(EX1051, Offord '341, 5:45-47, see Fig. 1 below.)

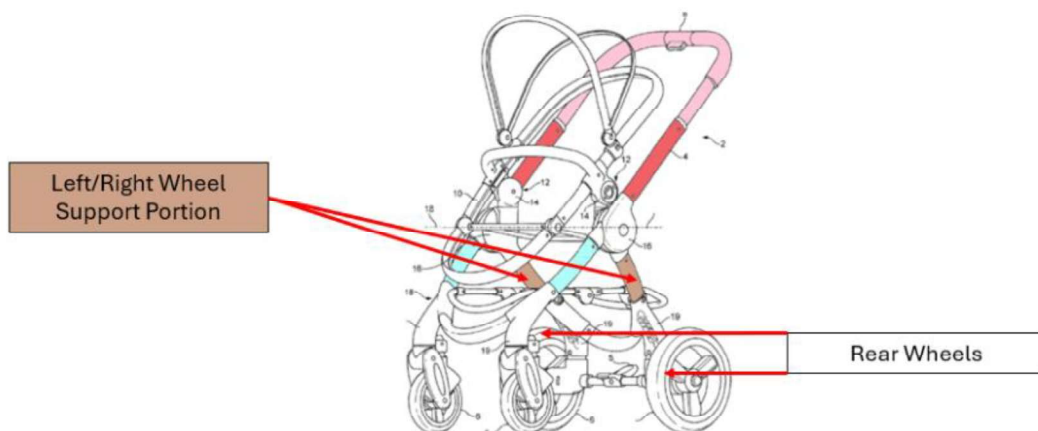
**The frame assembly 4 further includes a pair of main hinge devices 16, one on each side of the frame assembly 4. The upper portion of the frame assembly above the hinge devices 16 comprising the handle 8 is able to turn about a substantially horizontal axis 18 in such a manner that upon being put into an unlocked condition, described hereinafter, the upper portion of the frame assembly 4 is movable about the axis 18 and downwardly through a**



substantially vertical plane to convert the frame assembly 4 from an erected state, as shown in Fig. 1, to a semi-folded state, similar to that shown in Fig. 7.

**The lower portion of the frame assembly 4 below the hinge devices 16 comprises a forward-projecting frame sub-portion 18 and a rearward-projecting frame sub-portion 20, to which the wheels 6 are attached. The frame sub-portions 18 and 20, without the wheels 6 attached, are substantially identical. Thus, both frame sub-portions 18 and 20 can be manufactured from the same tooling and moulds. This even applies to the common mouldings 19 by way of which the wheels 6 are connected to the frame assembly 4 and which are substantially identical.**

(EX1054, Offord '341, 5:61-6:12.)

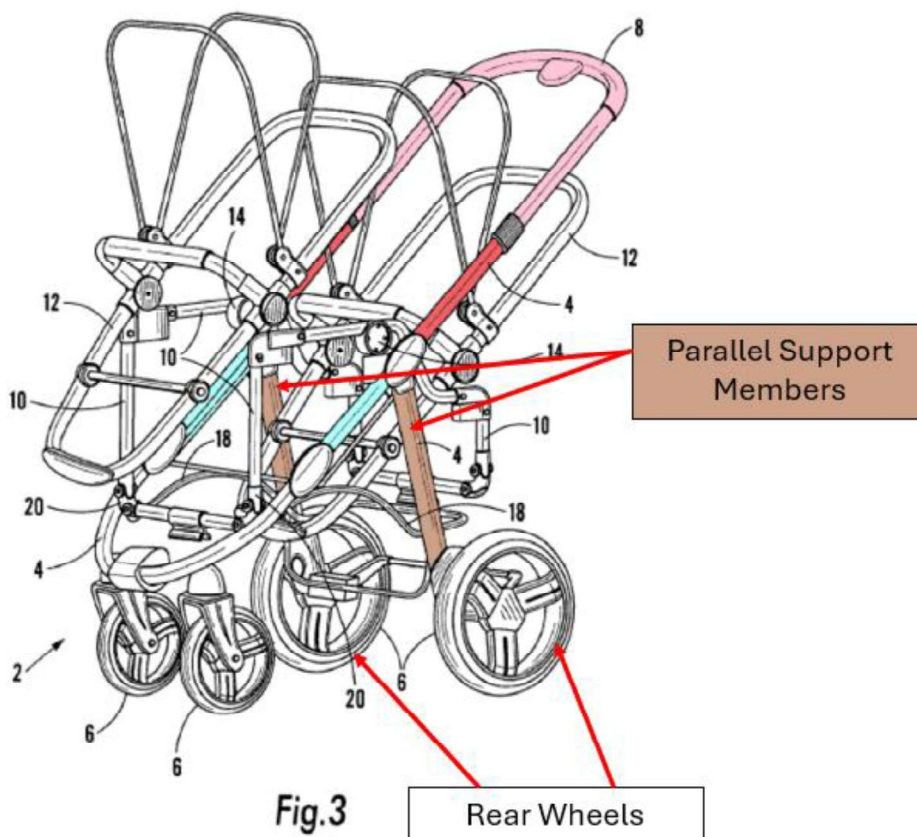


**EX1051, Offord '341, Fig. 1**

571. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claims 10 and 11.

*... [12.0] The stroller of claim 11, wherein the rear wheel support portion includes a pair of parallel support members connected to the left and right foldable support members*

572. Offord '341 discloses that the rear wheel support portions (brown) are connected at each hinge device and consist of a U-shaped single piece. (EX1054, 6:2-13.) The vertical portions of the rear support members, that attach to the folding mechanism, are slightly curved and not strictly parallel. However, it would have been obvious to a person having ordinary skill in the art (PHOSITA) to modify the Offord '341 rear wheel support to use two separate, parallel rear wheel support legs. Both a U-shaped support and independent wheel legs are well-known structural configurations in the stroller field and related arts. A POSITA would understand that using two separate, parallel legs instead of a unitary U-shaped member would continue to provide stable support for each wheel and allow for predictable performance. Curved and parallel support members for wheels are both well-known design elements in the field of wheeled transport, including baby strollers. Indeed, Offord '797, which is specifically referenced in Offord '341 as having a similar frame structure, utilizes rear wheel supports that are parallel. (See EX1054, Offord '797, Fig. 3 below). A POSITA would understand that both configurations provide structural support and stability.



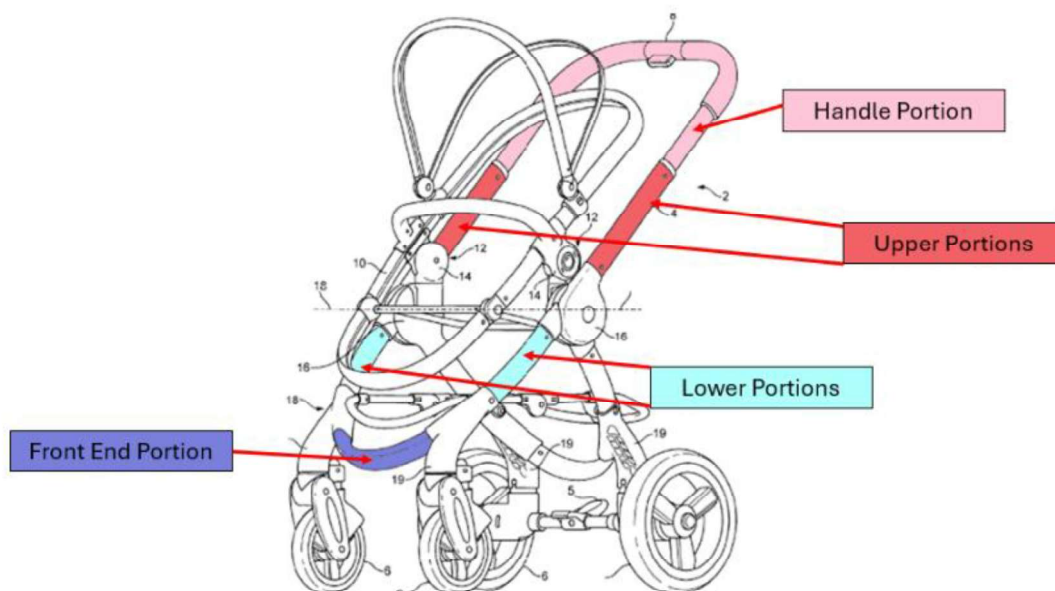
**EX1054, Offord '797, Fig. 3**

573. Replacing a curved support with a parallel configuration: (1) does not change the basic function of supporting the rear wheels and (2) would predictably result in a similar or improved structural configuration, possibly improving balance, ease of folding, or manufacturing efficiency. This substitution reflects a known design choice, offering potential advantages like reduced weight, simplified folding, easier manufacturing, or aesthetic differentiation—each of which would serve as a routine design incentive. In my opinion, such a change is an obvious design choice.

574. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 12.

*... [13.0] The stroller of claim 1, further comprising a folding mechanism dividing the left and right foldable members into upper and lower portions, wherein the upper portion of the left and right foldable members is adjacent the handle portion and wherein the lower portion of the left and right foldable members is adjacent to the front end portion.*

575. As discussed above in claim 1, Offord '341 discloses folding mechanisms. The folding mechanisms divide the “left and right foldable members” into upper and lower portions. The upper portion (red) is attached to (thus “adjacent”) the handle 8 and the lower portion (light blue) is attached to (thus adjacent) the front end portion.



EX1051, Offord '341 Figure 1

The **frame assembly 4** further includes a pair of main hinge devices 16, one on each side of the frame assembly 4. The **upper portion of the frame assembly above the hinge devices 16 comprising the handle 8** is able to turn about a substantially horizontal axis 18 in such a manner that upon being put into an unlocked condition, described hereinafter, the upper portion of the frame assembly 4 is movable about the axis 18 and downwardly through a substantially vertical plane to convert the frame assembly 4 from an erected state, as shown in Fig. 1, to a semi-folded state, similar to that shown in Fig. 7.

The lower portion of the frame assembly 4 below the hinge devices 16 comprises a forward-projecting frame sub-portion 18 and a rearward-projecting frame sub-portion 20, to which the wheels 6 are attached. The frame sub-portions 18 and 20, without the wheels 6 attached, are substantially identical. Thus, both frame sub-portions 18 and 20 can be manufactured from the same tooling and moulds. This even applies to the common mouldings 19 by way of which the wheels 6 are connected to the frame assembly 4 and which are substantially identical.

(EX1051, Offord '341, 5:60-6:12.)

576. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 13.

577. As I discussed in [1.2], Offord '341 discloses two front wheels 6. The two front wheels 6 are coupled to the front end portion. It is visually clear from the figures that the “common moulding 19” for the front wheels is coupled at the front-end of the stroller.

(EX1051, Offord '341, 6:3-12.)



578. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 14.

*... [15.0] The stroller of claim 14, wherein the folding mechanism includes a pair of spaced apart pivots connecting the lower portion to the upper portion of the left and right foldable members.*

579. Offord '341 discloses a folding mechanism in the form of spaced apart hinges 16 on each side of frame assembly 4. These hinges 16 include “pivots” that allow folding of the upper frame portion relative to the lower frame portion.

**As the central locking hub device 24 is rotated and the respective ramped surfaces abut and move past each other**, the lateral locking hub devices 22 are displaced laterally outwardly against the bias of the resilient devices into an unlocked, disengaged position. At the maximum amount of rotation of the central locking hub device 24, substantially flat surfaces at the tops of the respective ramped portions abut each other. This position is shown in Figs. 5 and 6. In this position, **the central housing 36 can be rotated about the axis 18 and the upper part of the frame assembly 4 above the hinge devices 16 which incorporates the handle 8 can be moved downwardly, as previously mentioned, to create a semi-folded condition of the frame assembly 4, as shown in Fig. 7. ....**

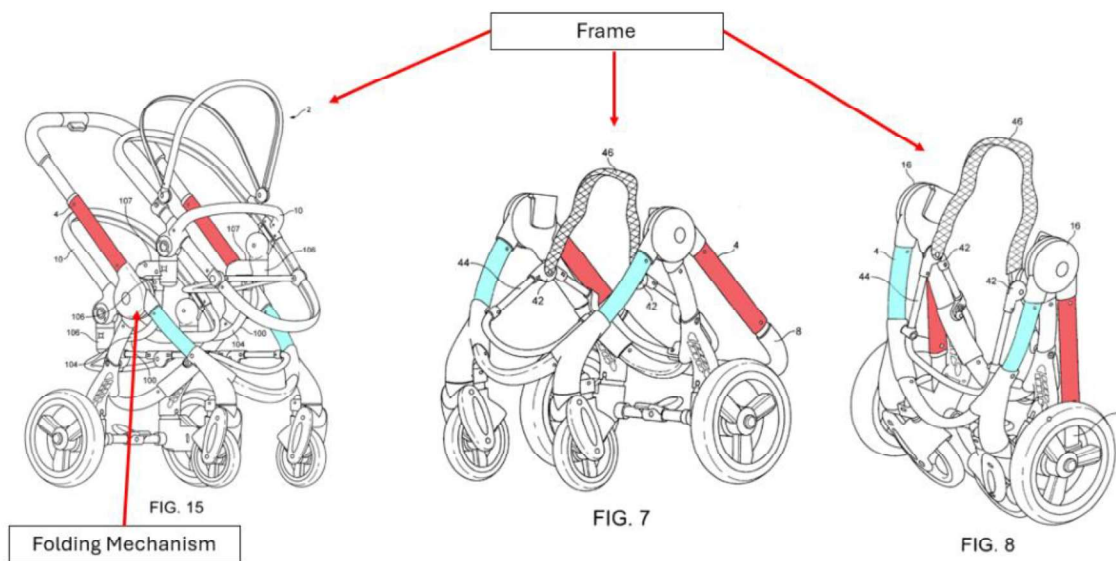
Continued upward pulling of the strap 46 results in the complete folding of the frame assembly 4, this folded position of the frame assembly 4 being shown in Fig. 8. **the upward movement of the**

**secondary hinge devices 42 in the complete folding of the basket frame 44 causes the inner and outer housings 30 and 32 of the hinge devices 16 to rotate about the axis 18 in opposite directions relative to the central housing 36.**

(EX1051, Offord '341, 6:49-7:20.)

Attached to the central locking hub 24 is an actuating lever 38 which extends upwardly through the tubular frame-work of the upper part of the frame assembly 4

(EX1051, Offord '341, 6:37-39.)



### **EX1051, Offord '341 Figs. 15, 7, and 8 (Annotated)**

580. Therefore, Offord '341 either alone or in combination with Offord '797 discloses or renders obvious claim 15.

### **2. Rationale to Combine Offord '341 and Offord '797**

581. A POSITA would have been motivated to review and incorporate the



disclosure of Offord '797 (WO 2008/040797) based on the express reference in Offord '341, which states that “a similar sub-frame arrangement is disclosed in WO 2008/040797.” (EX1051, Offord '341, 6:45–47.) Such cross-references within a patent specification are strong indicators that the cited reference is relevant and informative. Both Offord '341 and Offord '797 are directed to the design of sub-frame assemblies for strollers—specifically, to support additional or alternative seating configurations. Because the two references share a common field of endeavor (stroller sub-frame architecture) and disclose structurally analogous features (e.g., sockets, leg inserts, and interface supports), a POSITA would have been naturally inclined to consult Offord '797 to better understand the configurations referenced in Offord '341. The express citation to Offord '797 in the '341 specification would have signaled to a POSITA that Offord '797 contained relevant technical detail about the sub-frame and interface portion components 100.

582. A POSITA applying ordinary creativity and design options would understand the sub-frame and interface components disclosed in Offord '797 are structurally and functionally interchangeable with those in Offord '341. The explicit reference to Offord '797 in Offord '341 demonstrates that the inventors themselves regarded the structures as analogous. A POSITA would have recognized that the sub-frame 10 of Offord '797 could be used in place of, or to

supplement, the interface portion 100 of Offord '341 to achieve similar support and coupling functionality. Both patents disclose socket-style attachment mechanisms sized to receive legs or inserts from seat adapters, reinforcing the functional compatibility. Because the modification would involve substituting one known sub-frame structure for another in a predictable manner, using familiar coupling methods, a POSITA would have had a reasonable expectation of success in combining the teachings of the two references to achieve a dual-seat stroller frame with flexible mounting arrangements.

583. Therefore, a POSITA would have been motivated to rotate and install the “interface components 100” of Offord '341 in the reverse orientation as disclosed in Offord '797. A POSITA would also have been motivated to use the rear wheel support design of Offord '797 in the Offord '341 disclosure.

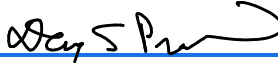
## **IX. Conclusion**

584. In my opinion, all the elements of the challenged claim limitations are disclosed by the references discussed above and that the claims are unpatentable in view of these prior art references.

585. I reserve the right to supplement my opinions to address any information obtained, or positions taken, based on any new information that comes to light throughout this proceeding.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my ability.

Executed on: 06/17/2025

  
Douglas Prairie (Jun 17, 2025 07:21 CDT)

Douglas S. Prairie

## **APPENDIX A**

# DOUGLAS S. PRAIRIE, P.E.

1402 Steamboat Trail • Brookings, SD 57006 • (605) 310-8802 • douglasprairie@yahoo.com

## PROFESSIONAL ENGINEER

Registered under number 13315 in the State of Idaho

## MISSION STATEMENT

Provide innovative education, business and product development solutions

## SKILLS SUMMARY

<ul style="list-style-type: none"><li>• Engineering Education</li><li>• Precision Agriculture</li><li>• Fluid Power Systems</li><li>• Higher Education</li><li>• Off-Highway Equipment</li><li>• Project Management</li><li>• Product Development</li><li>• Lean Manufacturing</li></ul>	<ul style="list-style-type: none"><li>• Product Management</li><li>• Business Development</li><li>• P&amp;ID Development</li><li>• Sales Management</li><li>• Intellectual Property</li><li>• Biofuels</li><li>• Industrial Equipment</li><li>• Agricultural Equipment</li></ul>	<ul style="list-style-type: none"><li>• Engineering Management</li><li>• Contract Negotiations</li><li>• Design for Manufacturing</li><li>• Stress &amp; Failure Analysis</li><li>• Feasibility Cost Studies</li><li>• GD&amp;T</li><li>• Engine Emission Regs</li><li>• Machine Design</li></ul>
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## EXPERIENCE

**South Dakota State University**, Brookings, SD; [www.sdstate.edu](http://www.sdstate.edu); August 2016 to present

Lecturer for Agriculture and Biosystems Engineering Department

- Ag Power and Machinery, Fluid Power Systems, Instrumentation and Controls, ABE Senior Design
- Advisor for International Quarter Scale tractor club; Awarded 3 Championships over the last 9 years
- Advisor for Fluid Power Club; Awarded 2<sup>nd</sup> place for Fluid Power Bike competition 2023 and 2025

**Prairie West LLC**, December 2007 to present

Freelance Agriculture, Mechanical and Industrial Design Engineer

- Expert legal consultant for multiple cases requiring mechanical and agriculture systems expertise
- Contract designer, developer and test engineer for BOB Strollers
- Contract engineer and CAD designer for AGI Hi Roller belt conveyors

**POET Research**, Sioux Falls, SD [www.poet.com](http://www.poet.com); June 2015 to June 2016

Mechanical Research Manager for POET's Research and Innovation Group

- POET Research was responsible for the development and support of novel technologies related to corn ethanol, cellulosic ethanol, and corn derived industrial products and processes.

**Raven Industries**, Sioux Falls, SD [www.ravenprecision.com](http://www.ravenprecision.com); November 2014 to March 2015

North American Sales Manager of Precision Agriculture Technology

- Sales Leadership for a team of 15 account managers spread across the United States and Canada
- Sales Forecasting and Analysis for hundreds of accounts totaling over \$60 million in annual sales
- Contract Negotiations with OEM and after-market distribution partners

**Raven Industries**, Sioux Falls, SD [www.ravenprecision.com](http://www.ravenprecision.com); March 2010 to November 2014

Product Manager of Planting, Seeding and Harvest Control Product Lines

- Led development and launch of OmniRow Planter Controls, OmniSeed Air Seeder Controls, UHarvest Grain Cart Monitoring System, and SmartYield Pro Yield Monitoring System
- Business Development of an industry leading Multi-Hybrid planter control system
- Team Lead for Raven SmartQuote Guided Sales and Quotation Tool
- Grew product line sales from a few thousand \$ into multi-million \$ per year business segments
- Recipient of four ASABE AE 50 Product Innovation Awards
- Member of Raven Leadership Council

# DOUGLAS S. PRAIRIE, P.E.

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## EXPERIENCE CONTINUED

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**Bratney Companies,** Boise, ID [www.bratney.com](http://www.bratney.com); February 2003 to September 2005

Construction/Mechanical Project Engineer of Industrial Processes

- Developed and Executed proposals for multiple design-build construction projects
- Project Managed the construction and startup of a green field alfalfa cleaning and bagging facility

**Multiquip,** Boise, ID [www.multiquip.com](http://www.multiquip.com); Dec 2000 to Feb 2003; Sept 2005 to Dec 2007

Engineering Department Manager for Light Construction Equipment Manufacturer

- Manage a team of 15 engineers, designers, drafters, and technicians tasked with supporting the safety and technical demands of 200+ plus finished goods.
- Manage a \$1.3 million annual budget for engineering product support and product development.
- Coordinate with product managers, manufacturing, quality, purchasing, marketing, and suppliers
- Responsible for designing equipment to latest global safety and homologation standards
- Coordinate intellectual property development with patent attorneys

**Case Corporation,** Fargo, ND [www.cnh.com](http://www.cnh.com); October 1996 to July 2000

New Product Development Engineer for Planting and Seeding Division

- Developed SDX 30 and SDX 40 single disc planter programs from conception to production

**Ag-Chem Equipment Co.,** Jackson, MN [www.agcocorp.com](http://www.agcocorp.com); May 1996 to September 1996

- Performed and analyzed engine dynamometer tests, hydraulic tests, and other product tests utilizing data acquisition systems

## PATENTS

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- Inventor on U.S. Patent # 5,915,312 & 6,047,652: *Pneumatic Seed Delivery System*
- Inventor on U.S. Patent # 6,116,172: *Shank Mounted Row Crop Opener*
- Inventor on U.S. Patent # 6,386,127 6,640,732 & 6,644,223: *Disc Opener for a Seed Planter*
- Inventor on U.S. Patent # 6,454,019: *Ag Implement Down Pressure System*
- Inventor on U.S. Patent # 7,497,522: *Concrete Saw Stay Level Handlebars,*
- Patent Pending: *Multi-Hybrid Planter Controls and Combine Yield Monitor Systems.*

## SOFTWARE

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SolidWorks CAD and Simulation, LabVIEW, MathCAD, Visio, CREO, AutoCAD, SAP R/3, Visual Basic, Working Model, Microsoft Office and Microsoft Project

## EDUCATION

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BOISE STATE UNIVERSITY (BSU) Boise, ID [www.boisestate.edu](http://www.boisestate.edu)

Masters of Mechanical Engineering with Business Emphasis

Graduation Date: December 2004

GPA: 3.5/4.0

Project Paper: *Design of a Conceptual Biodiesel Production Facility*

SOUTH DAKOTA STATE UNIVERSITY (SDSU), Brookings, SD [www.sdstate.edu](http://www.sdstate.edu)

BS Agricultural Engineering with Power and Machinery Focus

Graduation Date: May 1997

GPA: 3.6/4.0

## ASSOCIATIONS

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- Certified with Carew International Dimensions of Professional Selling® Program
- Member of FarmHouse Fraternity [www.farmhouse.org](http://www.farmhouse.org)
- Member of Society of Automotive Engineers [www.sae.org](http://www.sae.org)
- Member of American Society of Mechanical Engineers [www.asme.org](http://www.asme.org)
- Member of American Society of Agricultural and Biological Engineers [www.asabe.org](http://www.asabe.org)
- SolidWorks User Group