

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
3

4 EVENFLO COMPANY, INC., )  
5 )  
6 Petitioner, )  
7 )  
8 v. ) IPR2025-01122  
9 ) Patent 11,731,682  
10 )  
11 BABY JOGGER, LLC, )  
12 ) IPR2025-01140  
13 Patent Owner. ) Patent 11,577,771  
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11 DEPOSITION OF DOUGLAS S. PRAIRIE, PE  
12 Taken by Counsel for the Patent Owner  
13

14 before Richard Bursky, RMR, CRR, CRC  
15

16 Certified Court Reporter  
17

18 Via Zoom Videoconference  
19

20 On March 13, 2026, commencing at 10:06 a.m. EST  
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For the Patent Owner

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Exhibit 2106	Declaration of Douglas Prairie submitted in June of 2025 in the 1100 IPR	273

(Exhibits retained by counsel, not attached  
to this transcript.)

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DOUGLAS S. PRAIRIE

a witness herein, being first duly sworn,  
was examined and testified as follows:

EXAMINATION

BY MR. THOMAS:

Q Good morning, Mr. Prairie. Before we get 10:06:33  
started, I am going to just make a statement for the 10:06:35  
record, in that we are here to conduct 10:06:37  
cross-examination of your direct testimony in two 10:06:41  
IPR proceedings, that's IPR2025-01122 and 10:06:46  
IPR2025-01140, the two IPRs that were instituted by 10:07:07  
Evenflo. 10:07:12

And by the agreement of counsel, we have 10:07:15  
agreed to conduct this single deposition under the 10:07:17  
rules, the PTAB rules of timing so that I have the 10:07:21  
maximum under the rules of seven hours for 10:07:27  
cross-examination subject to the rules. 10:07:29

But we are going to do it consolidated to do 10:07:32  
questioning about both proceedings today. 10:07:35

A Okay. 10:07:37

Q And so you understand you are under oath, 10:07:39  
correct? 10:07:41

A I do. 10:07:42

Q And this deposition under oath is just like 10:07:42

1	you are set sitting on the witness stand at a	10:07:47
2	regular trial, right?	10:07:49
3	A I understand that.	10:07:50
4	Q So you will give me truthful answers to my	10:07:52
5	questions, correct?	10:07:56
6	A That is true.	10:07:56
7	Q Is there anything that would prevent you or	10:07:58
8	impede you from being able to give complete be a	10:08:01
9	truthful testimony today?	10:08:04
10	A Not that I am aware of no.	10:08:05
11	Q And you have been deposed before, correct?	10:08:07
12	A I have.	10:08:09
13	Q About how many times?	10:08:10
14	A Probably in the five to ten range. I don't	10:08:12
15	remember exactly. A couple of them were multiple	10:08:21
16	days, so.	10:08:25
17	Q So if we went into multiple days, that	10:08:26
18	wouldn't be the most foreign concept to you?	10:08:30
19	A No. One was a three-day session, so, no.	10:08:32
20	Q We are not going to go that far at least.	10:08:35
21	Were they IPR depositions, court litigated	10:08:38
22	depositions, which ones were they?	10:08:42
23	A Predominantly IPR. I would have to look at	10:08:44
24	my past history in the last decade, but	10:08:48
25	predominantly IPR type, this type of situation.	10:08:52

1 Q Have you ever testified in a courtroom on a 10:08:53  
2 witness stand? 10:08:58  
3 A I have not, no. 10:08:58  
4 Q So you understand that the court reporter is 10:09:00  
5 transcribing everything we say today, right? 10:09:05  
6 A Yes, I understand that. 10:09:07  
7 Q And I will ask you to try and let me finish 10:09:08  
8 my questions before you answer, fair? 10:09:13  
9 A Fair enough. 10:09:15  
10 Q If at any point you don't understand a 10:09:18  
11 question, or if I ask something in a confusing way, 10:09:21  
12 will you let me know so that I can clarify? 10:09:24  
13 A Yes, I will ask you to ask the question 10:09:28  
14 again. 10:09:30  
15 Q And Evenflo's counsel may make objections to 10:09:31  
16 some of my questions. And the parties will deal 10:09:35  
17 with that after the deposition is over. But unless 10:09:38  
18 it relates to something that we call privilege, then 10:09:42  
19 you understand that you still need to answer, okay? 10:09:45  
20 A Okay. 10:09:47  
21 Q At any point if you need to take a break, 10:09:49  
22 just let me know and we can do that. That's not a 10:09:54  
23 problem. The only thing I would ask is that you 10:09:56  
24 don't ask to take a break before you have answered a 10:10:00  
25 question that I have given to you. Does that make 10:10:03

1	sense?	10:10:06
2	A Yes, I understand that.	10:10:06
3	Q Unless, of course, it relates to something	10:10:07
4	you or your counsel thinks maybe a privilege issue,	10:10:09
5	in which case that may be some reason to take a	10:10:13
6	break, fair?	10:10:18
7	A Fair response.	10:10:19
8	Q So where are you sitting right now drinking	10:10:20
9	your coffee?	10:10:22
10	A I am sitting in my residence in Brooking,	10:10:23
11	South Dakota.	10:10:27
12	Q Is anyone else in the room with you?	10:10:27
13	A No, there's no one else in my house at this	10:10:29
14	time.	10:10:32
15	Q What kind of device are you using that I am	10:10:32
16	looking at you through the camera on? Is it a	10:10:36
17	desktop, iPad?	10:10:41
18	A Desktop computer.	10:10:41
19	Q So you have a mouse?	10:10:43
20	A I do.	10:10:44
21	Q Are you able to move the camera around so we	10:10:47
22	can see the room at all?	10:10:50
23	A I am not. It is affixed to my monitor.	10:10:51
24	Q Are there any other papers or items in front	10:10:56
25	of you sort of within your zone of reach besides	10:10:59

1 your keyboard and mouse? 10:11:03

2 A I have a binder of my declaration and key 10:11:05

3 prior references, key references. 10:11:10

4 Q Can you tell me, just hold up that binder 10:11:12

5 and show it to me, or if there's multiple binders, 10:11:14

6 show me? 10:11:18

7 (Witness complies.) 10:11:18

8 Q So are those tabbed? 10:11:21

9 A There is some tabs in there, yes. 10:11:23

10 Q Do any of those documents have markings on 10:11:26

11 them that are not in the official like versions that 10:11:28

12 are filed before the PTAB? 10:11:33

13 A No. 10:11:35

14 Q No handwriting of your or anyone else's? 10:11:36

15 A No. I just got some tabs on them on key 10:11:39

16 talking points, key reference pieces. 10:11:43

17 Q So turn to the first tab you think is a key 10:11:48

18 talking point or reference. 10:11:52

19 A There's multiple tabs in there. 10:11:56

20 Q Pick one. 10:11:58

21 A It says '682 Declaration. 10:12:01

22 Q Can you read off how many tabs do you have 10:12:05

23 in that binder? 10:12:07

24 A I don't know, I've got, there's multiple 10:12:08

25 tabs, they reference, they mark where the 10:12:14

1        declarations are at. They mark where the prior art        10:12:19

2        is at so I can go to that since it is a big binder.        10:12:22

3            Q        Does the binder have like a table of        10:12:25

4        contents at the beginning?        10:12:27

5            A        The whole binder does not. Each, within my        10:12:28

6        declaration there is a table of contents.        10:12:34

7            Q        Right. Can you read off like tabs labeled        10:12:36

8        with numbers or with descriptions?        10:12:44

9            A        Some are just sticky notes there. Some are        10:12:47

10       some of the key topics I know will be discussed        10:12:54

11       today, so I just wanted to reference those for        10:12:58

12       reference materials during questioning.        10:13:00

13            Q        I am going to ask you to just read off what        10:13:03

14       those labels are on the sticky notes on all the tabs        10:13:06

15       and sticky notes that you've got.        10:13:14

16            A        A lot of the same things that are in the        10:13:18

17       table of contents. So there is a section on        10:13:20

18       priority, there is a section on just the overall --        10:13:26

19       since there's multiple patents in this case, just        10:13:29

20       family charts, key things for prior discussion,        10:13:32

21       where the different grounds are at, since each        10:13:37

22       declaration has multiple grounds.        10:13:40

23            There's flags for each grounds. There's        10:13:42

24       flags for where the key references are at, are        10:13:45

25       discussed within the grounds.        10:13:49

1           There is, again, another, since we got a           10:13:52  
2           second declaration, there is a tab for the '771           10:13:54  
3           declaration. There are tabs for the key references           10:13:58  
4           within that grounds, as well.           10:14:04

5           And then behind that there are tabs for the           10:14:07  
6           patent family. And I just tab them for quick           10:14:11  
7           reference. Since there's multiple patents, I just           10:14:14  
8           tab the patent numbers, too, so I can identify them.           10:14:17  
9           And then prior art, some additional prior art as           10:14:21  
10          well.           10:14:25

11          Q        So what are the prior art references? You           10:14:26  
12          refer to two different kind of categories of art.           10:14:28  
13          You said the key prior art and then some other prior           10:14:33  
14          art as well. So what are the key prior art           10:14:37  
15          references that you tabbed in that document?           10:14:39

16          A        Well, since we have two, we have multiple           10:14:40  
17          grounds. One ground is using Patent Number, US           10:14:45  
18          Patent Number 8,882,134 referred to as Rolicki.           10:14:51

19          Q        Next? And if you want to just refer to them           10:15:19  
20          by the common name that you used in your           10:15:22  
21          declaration, if there is one, that is fine, too.           10:15:27  
22          But continue with the other key prior art references           10:15:29  
23          that you have tabbed in your binder.           10:15:33

24          A        Ground 2 is in the '682 declaration. That           10:15:36  
25          is using Design Patent Number D593,459, or commonly           10:15:41

1 preferred to as Liao, L-I-A-O. 10:15:47

2 Within the '682 declaration there is a 10:16:00

3 Ground 3, and that is using that same Liao 10:16:03

4 reference, that also incorporates a patent by Cheng. 10:16:12

5 I would have to pull up, I don't have an exact 10:16:17

6 patent number. 10:16:20

7 Q We don't need the exact patent number as 10:16:20

8 long as you are telling me it is tabbed for Cheng.

9 MR. THOMAS: That is C-H-E-N-G for our court 10:16:26

10 reporter. 10:16:28

11 A Ground 4 is in the '682 declaration as 10:16:30

12 Offord, so O-F-F-O-R-D; the '341 patent along with 10:16:38

13 Offord, same spelling, O-F-F-O-R-D; the '797 patent. 10:16:45

14 Q Next? 10:16:57

15 A We can go all the way back. There is, if 10:16:58

16 you go farther back in there, there is the whole 10:17:03

17 '682/'771 patent family. 10:17:09

18 Q Hold on just a second, sorry to interrupt. 10:17:10

19 But the question I asked was what are the key prior 10:17:12

20 art references and the other prior art references 10:17:15

21 that you have tabbed. 10:17:17

22 A Okay. That was, let's see what else is way 10:17:19

23 in the back here. We've got, we can go to the '771 10:17:31

24 declaration that has some additional grounds as 10:18:00

25 well. So if I flip to that one, to the '771 10:18:07

1 declaration, ground 1 is that same Rolicki, the 10:18:11  
2 '134. So that's flagged in there. 10:18:21  
3 Ground 2 of the '771 declaration is a, I 10:18:26  
4 believe that's a European patent, EP, I have to get 10:18:33  
5 the whole number, referred to as Gotting, 10:18:37  
6 G-O-T-T-I-N-G. 10:18:43  
7 There is also a second patent in Ground 2 of 10:18:43  
8 the '771 that's labeled as Britax, B-R-I-T-A-X. 10:18:48  
9 Ground 3 of the '771 declaration is using 10:18:55  
10 both of those same Offord references, again so the 10:19:10  
11 Offord '341, that's O-F-F-O-R-D, along with a 10:19:14  
12 secondary Offord reference, so O-F-F-O-R-D '797. 10:19:21  
13 There are some international, I can't 10:19:43  
14 remember which ones these were. These are some of 10:19:45  
15 the originals. I don't know which ones these were 10:19:48  
16 now. It might have been the Offord ones I just 10:19:51  
17 referred to. Let me check it. 10:19:54  
18 Q It would have an exhibit number on the 10:19:58  
19 bottom, right, correct? 10:20:01  
20 A Yes, thank you. 10:20:03  
21 Q You could just read the exhibit number of 10:20:04  
22 those other ones. 10:20:06  
23 A It would be Exhibit 1041 and Exhibit 1048. 10:20:06  
24 Q Okay, and that's the Exhibit 1048 in the 10:20:17  
25 1140 IPR, that's the Britax? 10:20:21

1           A       I got it flagged under the '771 prior art.       10:20:25  
2       I don't remember if all those references are the       10:20:32  
3       same number.       10:20:34

4           Q       Most of them are, thankfully, but a few       10:20:34  
5       overlap that do cause some confusion. But we will       10:20:37  
6       deal with that later.       10:20:41

7                   So far you have listed off essentially the       10:20:42  
8       references that are identified in the grounds of       10:20:46  
9       unpatentability in your two declarations. You said       10:20:49  
10      there were some other prior art references that       10:20:52  
11      were, you had flagged as well besides those key       10:20:56  
12      references. What are those?       10:21:02

13                  MR. RONDINI: Objection to the extent it       10:21:05  
14      misstates testimony.       10:21:07

15           A       Well, I guess within the '771 declarations       10:21:11  
16      and the '682 declaration, within each of those       10:21:14  
17      declarations, I have those prior art locations       10:21:18  
18      referenced within there, so the same ones that I       10:21:21  
19      just read, I have those, there's a section in back       10:21:24  
20      of my binder where those prior art references are       10:21:29  
21      at, patent references.       10:21:34

22                  And I also have references flagged, those       10:21:34  
23      same references flagged within my declaration as       10:21:40  
24      well.       10:21:43

25           Q       So am I understanding that you have like       10:21:45

1 flags? Let's take Rolicki in the, in both 10:21:51  
2 declarations. You've got a flag where the Rolicki 10:21:56  
3 discussion is in your declaration and you have 10:22:00  
4 another flag later on in the binder or someplace 10:22:02  
5 else where is the actual Rolicki exhibit, correct, 10:22:05  
6 is that right? 10:22:10  
7 A Yes. So the actual exhibit is not bound 10:22:10  
8 within the declaration, so it is a separate 10:22:14  
9 reference in back. But within the declaration 10:22:17  
10 itself there's discussion about it and so I have 10:22:19  
11 flagged where that is. 10:22:23  
12 Q And the Rolicki exhibit is in your binder, 10:22:24  
13 though, is what I am asking. 10:22:27  
14 A It is too, it is flagged as well. 10:22:29  
15 Q All right. And are there any other prior 10:22:31  
16 art reference exhibits that are in your binder that 10:22:34  
17 are not one of the references you have read off so 10:22:38  
18 far that are part of the grounds of unpatentability? 10:22:42  
19 A I don't believe so. It is a big binder. I 10:22:45  
20 think I've covered everything, but there's a lot of 10:22:49  
21 pages in here, so. 10:22:51  
22 Q Why do you have that binder in front of you? 10:22:52  
23 What have you used it for? 10:23:00  
24 A I've used it for preparation for today. I 10:23:02  
25 used it for preparation for today's deposition. 10:23:10

1 Q How did you select the references to be 10:23:12  
2 included in that binder? Strike that question. 10:23:14

3 Did you put the binder together or did 10:23:16  
4 someone else put the binder together? 10:23:21

5 A It was a request of the legal team. They 10:23:22  
6 made the photocopies and bound it up and sent it to 10:23:28  
7 me but I had requested just they have better copiers 10:23:31  
8 and printers than I do. So I asked them to, I 10:23:35  
9 prefer paper copies to review. I have read a lot of 10:23:38  
10 digital stuff over recent, the last few months, and 10:23:43  
11 it is just nice to have a paper copy to sit down on 10:23:44  
12 the couch to read through and reference when I am 10:23:47  
13 studying. 10:23:49

14 And so I requested both my declarations and 10:23:50  
15 the references that I cited to you be included in 10:23:54  
16 there. 10:23:58

17 Q You mentioned that you used this for 10:24:01  
18 preparing for the deposition today. What did you do 10:24:04  
19 to prepare for the deposition today? 10:24:07

20 MR. RONDINI: I caution the witness not to 10:24:10  
21 reveal any privileged communications with 10:24:12  
22 counsel, but you can answer generally what you 10:24:15  
23 did. 10:24:17

24 A We have had multiple Teams meetings over the 10:24:20  
25 recent months going through, helping me understand 10:24:24

1 the legal grounds of this case in more further 10:24:31  
2 detail, basically discussing -- 10:24:34  
3 MR. RONDINI: Hold on a second, Doug. High 10:24:38  
4 level, just generally what you did; none of the 10:24:40  
5 discussions, none of what we discussed. 10:24:43  
6 A No, discussing the preparations for what 10:24:45  
7 goes on today and ultimately just preparing myself 10:24:48  
8 and the material such that I could prepare for 10:24:52  
9 deposition. 10:24:56  
10 BY MR. THOMAS:  
11 Q When was the first Teams call you had with 10:24:58  
12 counsel that was focused on preparing for this 10:25:01  
13 deposition or your cross-examination? 10:25:06  
14 A I don't remember the exact date. 10:25:08  
15 Q Approximately when was it? 10:25:14  
16 MR. RONDINI: Objection, asked and answered. 10:25:23  
17 I caution the witness not to speculate. 10:25:29  
18 You can answer if you recall. 10:25:32  
19 A Sometime later last year there was some 10:25:34  
20 discussions. We started, you know, it has been 10:25:37  
21 pretty intense the last couple of months. I don't 10:25:40  
22 remember the exact day when we started. 10:25:43  
23 BY MR. THOMAS: 10:25:47  
24 Q You just said that it has been pretty 10:25:48  
25 intense in the last couple months. What do you mean 10:25:49

1 by intense? 10:25:52

2 A I mean, as the deposition date moved closer, 10:25:53

3 we have spent more time in discussions, so early on 10:25:58

4 was, early on, I don't remember exactly when we 10:26:02

5 started, was just kind of casual conversation, 10:26:05

6 high-level stuff. 10:26:08

7 And then by more intense, meaning it became 10:26:09

8 more focused as the days grew closer to the 10:26:11

9 deposition. 10:26:16

10 Q How many meetings have you had with counsel 10:26:17

11 to prepare for the deposition? 10:26:22

12 A I don't recall the number of meetings. 10:26:23

13 Q Was it more than two? 10:26:28

14 A Yes, it was more than two. 10:26:30

15 Q Was it more than five? 10:26:36

16 A I remember it was more than two. I don't 10:26:37

17 remember the exact amount beyond that. 10:26:41

18 Q Before this morning when was the last time 10:26:43

19 that you met with counsel to prepare for your 10:26:47

20 deposition? 10:26:49

21 A We met yesterday morning over Teams to 10:26:49

22 discuss kind of final details and schedule on how -- 10:26:56

23 MR. RONDINI: Just answer his question. 10:27:00

24 Just, we met yesterday. 10:27:04

25 THE WITNESS: Okay. 10:27:05

1	BY MR. THOMAS:	10:27:06
2	Q Did you meet earlier this week than	10:27:11
3	yesterday?	10:27:14
4	A Yes, I think we probably had discussion	10:27:14
5	earlier this week too.	10:27:22
6	Q Which days this week have you had	10:27:24
7	discussions with counsel to prepare?	10:27:26
8	A I know we met yesterday. I would have to go	10:27:28
9	pull up my schedule and look at which day it was.	10:27:32
10	It has been, I had a lot of other stuff going on	10:27:35
11	this week. I don't remember exactly which day we	10:27:41
12	met.	10:27:42
13	Q How long did you meet yesterday? How long	10:27:43
14	was that Teams meeting or in total?	10:27:44
15	A I don't remember the exact time.	10:27:47
16	Q Did you write down the time for your	10:27:50
17	invoices?	10:27:52
18	A Not yet, I haven't for this week.	10:27:53
19	Q Understanding that you don't remember the	10:27:57
20	exact time, can you estimate the time?	10:27:59
21	A Not at this time. I have some notes, a	10:28:02
22	different notebook that is not at my desk, but I	10:28:07
23	don't have it in front of me.	10:28:10
24	Q Was it more than 30 minutes?	10:28:11
25	A I don't recall the total time, sir.	10:28:12

1 Q Was it more than 30 minutes? 10:28:16

2 MR. RONDINI: Objection, asked and answered. 10:28:20

3 A I don't recall the time, Mr. Thomas. 10:28:22

4 BY MR. THOMAS: 10:28:25

5 Q Was it more than 15 minutes? 10:28:25

6 MR. RONDINI: Objection, asked and answered. 10:28:27

7 A I don't recall, Mr. Thomas. 10:28:29

8 Q Was it more than five minutes? 10:28:31

9 MR. RONDINI: Objection, asked and answered. 10:28:34

10 A I don't recall, Mr. Thomas, the exact time 10:28:37

11 that we discussed. 10:28:39

12 Q Was your conversation with counsel yesterday 10:28:41

13 more than one minute long? 10:28:44

14 MR. RONDINI: Objection, harassment, 10:28:47

15 relevancy. 10:28:48

16 A I don't recall the total time, Mr. Thomas. 10:28:51

17 Q And you understand that I've not asked you 10:28:54

18 to recall the total time in that series of questions 10:28:58

19 right there, correct? 10:29:01

20 MR. RONDINI: Same objection. 10:29:04

21 A Like you said, I don't recall the number of 10:29:06

22 days and times that we have met, total times of each 10:29:10

23 meeting. 10:29:13

24 BY MR. THOMAS: 10:29:13

25 Q If I asked you, do you recall the total time 10:29:13

1 that you met with counsel yesterday, your answer 10:29:19  
2 would be, I don't recall the total time, correct? 10:29:22  
3 MR. RONDINI: Same objection. 10:29:27  
4 A I don't recall the time or how long the 10:29:32  
5 calls were. 10:29:35  
6 BY MR. THOMAS: 10:29:36  
7 Q Right, okay. But you understand that I 10:29:36  
8 didn't ask you whether or not you -- that's not the 10:29:40  
9 question that I asked, was it? 10:29:43  
10 A You are asking in regards to quantity of 10:29:44  
11 time. 10:29:52  
12 Q Okay. I am asking and I did ask if you met 10:29:53  
13 with counsel for more than one minute yesterday. 10:29:58  
14 And your answer, did I understand correctly that 10:30:02  
15 your answer was you don't recall the total time that 10:30:05  
16 you met? 10:30:07  
17 MR. RONDINI: Objection, misstates 10:30:08  
18 testimony. He already answered he doesn't want 10:30:10  
19 to speculate. He doesn't recall, Warren. I 10:30:12  
20 mean, I am sure it was more than one minute, but 10:30:14  
21 what's the relevancy here? He already testified 10:30:18  
22 he met with us. 10:30:21  
23 BY MR. THOMAS: 10:30:24  
24 Q You may answer. 10:30:24  
25 MR. RONDINI: He doesn't recall how long it 10:30:25

1 was, though. 10:30:26

2 MR. THOMAS: Mr. Rondini, I am going to ask 10:30:28

3 you not to coach the witness. 10:30:30

4 Q And Mr. Prairie, you may answer the 10:30:32

5 question. 10:30:34

6 A I would say yes, we met yesterday. I don't 10:30:36

7 remember the duration of the call. 10:30:39

8 Q And is there a reason that you are hesitant 10:30:41

9 or unable to answer whether or not you met for more 10:30:45

10 than one minute or even more than five minutes? 10:30:50

11 A I could tell you we met. I don't know the 10:30:52

12 duration of how long we met. 10:31:00

13 Q Tell me again how is it that you are 10:31:03

14 compensated for your time by, in these matters. 10:31:09

15 A It is based on an hourly rate. 10:31:14

16 Q And you said you did write down the amount 10:31:19

17 of time that you spent yesterday, or you did not 10:31:24

18 write down the amount of time you spent yesterday 10:31:27

19 with counsel? 10:31:29

20 A I haven't logged my hours for the week yet. 10:31:30

21 Q Are you going to log your hours for this 10:31:34

22 week at some point? 10:31:36

23 A At some point I will, yes. 10:31:36

24 Q And when you do that, what are you going to 10:31:38

25 use to determine the amount of time that you should 10:31:41

1	log?	10:31:43
2	A I've got some notes in a different notebook	10:31:43
3	that is not in front of me. So I will use that as a	10:31:49
4	reference. I don't remember the time because I did	10:31:53
5	some time studying yesterday too.	10:31:56
6	Q How much time did you spend studying	10:31:57
7	yesterday?	10:32:00
8	A I don't remember the total time, so that's	10:32:00
9	why, I don't remember time on the call versus time	10:32:05
10	studying. I don't remember at this time what the	10:32:07
11	difference was.	10:32:10
12	Q What was the total amount of time that you	10:32:11
13	personally spent preparing for this deposition	10:32:13
14	yesterday?	10:32:15
15	A I will answer again, as I've got some notes	10:32:16
16	elsewhere I took. I don't remember the total time	10:32:21
17	that I did.	10:32:23
18	Q So your answer is that, sitting here right	10:32:24
19	now in this deposition under sworn testimony, you	10:32:28
20	are not able to remember the total time that you	10:32:33
21	took but at some point later you will be able to	10:32:37
22	remember the total time you took so that you could	10:32:41
23	put it down in your invoice and send it to be paid	10:32:43
24	for your time, correct?	10:32:46
25	MR. RONDINI: Objection, misstates testimony	10:32:47

1	and harassment.	10:32:48
2	A As I said, I have a different notebook that	10:32:50
3	it has been in different segments so I log that time	10:32:53
4	individually and when I am ready to put the invoice	10:32:56
5	together, I will total it up.	10:32:59
6	Q Okay. Other than while we are on the record	10:33:06
7	today, will you confirm that you will not	10:33:12
8	communicate with Evenflo's attorney or anyone else	10:33:16
9	about the subject matter of your testimony today?	10:33:22
10	A Yes, I will.	10:33:26
11	MR. RONDINI: Objection, hold on a second.	10:33:29
12	Hold on second. Objection. Once it is closed	10:33:31
13	out, he can talk to us. Are you referring to	10:33:34
14	during the course of this deposition, Warren, am	10:33:36
15	I correct?	10:33:38
16	MR. THOMAS: I will take that as an	10:33:39
17	objection to form.	10:33:40
18	BY MR. THOMAS:	10:33:41
19	Q So, Mr. Prairie, during the course of my	10:33:42
20	cross-examination, is going to be first part where	10:33:45
21	we are, where I am asking you questions and until my	10:33:47
22	cross-examination is complete, will you please	10:33:50
23	confirm that you will not communicate with Evenflo's	10:33:52
24	attorney or anyone else during this	10:33:56
25	cross-examination testimony about the subject matter	10:33:59

1 of your testimony? 10:34:01

2 A Yes, while the case, the log is open, I will 10:34:02

3 not have discussions with legal counsel. 10:34:08

4 Q Or anyone else? 10:34:10

5 A Or anyone else. 10:34:12

6 Q And that means communications by text 10:34:13

7 message, chat, email, hand signals, smoke signals, 10:34:16

8 nothing; fair? 10:34:20

9 A Yes, that is fair. 10:34:22

10 Q Do you intend to consult any notes or 10:34:24

11 documents while you are testifying during this 10:34:28

12 cross-examination other than those that I ask you to 10:34:33

13 look at? 10:34:40

14 A If you put them on the screen, I will have, 10:34:41

15 if I have them in my binder we just discussed, I 10:34:44

16 will be referencing them in there as well. 10:34:46

17 Q Do you understand that you may communicate 10:34:49

18 with your attorney during breaks in our 10:34:54

19 cross-examination only about things that don't 10:34:57

20 relate to the testimony that you are giving today or 10:35:02

21 that relate to potential objections as to privilege 10:35:07

22 that Mr. Rondini may interpose? 10:35:11

23 A Yes. Restate. I want to make sure I 10:35:14

24 understand. You said a lot of stuff there. So it 10:35:18

25 is, you hit me up pretty hard before, so I want to

1 make sure I understood fully what you said this time 10:35:23  
2 around. I'm not sure what you said. 10:35:25

3 Q So we are going to take some breaks during 10:35:30  
4 the deposition. 10:35:33

5 A Yes. 10:35:33

6 Q And you understand that you can talk to Mr. 10:35:33  
7 Rondini. You might have a -- scratch that. 10:35:39

8 Do you know if you guys have a break room 10:35:42  
9 set up in the zoom to talk during breaks? 10:35:46

10 A I am not aware if we do or not at this time. 10:35:51

11 Q If we take a break, Mr. Rondini could call 10:35:57  
12 you and ask you, how is the weather in South Dakota 10:36:04  
13 or how your energy level is. That would be okay. 10:36:11  
14 You understand that? 10:36:18

15 A Yes, from what I've been explained, that is 10:36:19  
16 an okay thing to have a conversation about, just not 10:36:23  
17 the case itself. 10:36:25

18 Q Do you understand that you cannot 10:36:26  
19 communicate with Mr. Rondini or anyone else about 10:36:28  
20 how you are doing in the testimony, how the 10:36:31  
21 cross-examination is going or how, or any topics 10:36:34  
22 that might be, have already been discussed or will 10:36:38  
23 be discussed? 10:36:41

24 A Yes, I understand I can have general 10:36:42  
25 chitchat, but not specifics about the case at hand. 10:36:47

1 Q So let's talk a little bit about your 10:36:51  
2 background and experience. Is your current position 10:36:54  
3 you are a lecturer at South Dakota State University? 10:37:00  
4 A Yes, I am. 10:37:03  
5 Q What is a lecturer? What does that title 10:37:04  
6 mean? 10:37:08  
7 A In general, for me it means I am, my primary 10:37:08  
8 job at SDSU is to teach undergraduate students, that 10:37:17  
9 that's my primary responsibility. 10:37:22  
10 Q And there are other academic titles at SDSU, 10:37:23  
11 correct? 10:37:27  
12 A Yes, there is. 10:37:27  
13 Q Professor is one? 10:37:29  
14 A Yes, professor is another title that is 10:37:31  
15 used. 10:37:36  
16 Q Associate professor? 10:37:36  
17 A Yes, I believe that is an appropriate title 10:37:37  
18 at SDSU. 10:37:42  
19 Q Assistant professor and adjunct professor? 10:37:43  
20 A Potentially; I don't know all the 10:37:47  
21 appropriate terms HR SDSU uses. 10:37:50  
22 Q So what distinguishes a lecturer from a 10:37:54  
23 professor? 10:37:58  
24 MR. RONDINI: Objection, relevancy. 10:38:02  
25 A Yes, I don't remember all the details. I 10:38:07

1 know I am a lecturer. I don't remember all the 10:38:10  
2 details of the difference between that and a 10:38:13  
3 professor. 10:38:16

4 BY MR. THOMAS: 10:38:16

5 Q Do you remember any detail of the difference 10:38:16  
6 between a lecturer and a professor? 10:38:19

7 A In some cases it determines on tenure of 10:38:21  
8 time at the university. 10:38:25

9 Q Is there something that a professor does 10:38:28  
10 that a lecturer doesn't do? 10:38:30

11 A Professors usually get more involved in the 10:38:32  
12 research side than lecturers do, so my obligation is 10:38:37  
13 more on the undergraduate education whereas a 10:38:41  
14 professor will typically have a research appointment 10:38:44  
15 in addition to a teaching appointment. 10:38:49

16 Q You say your obligation is on the 10:38:51  
17 undergraduate education. What do you teach in terms 10:38:54  
18 of undergraduate education? 10:38:58

19 A My students are predominantly engineering 10:38:59  
20 and ag technology students. 10:39:07

21 Q What is ag technology, what do you mean by 10:39:12  
22 that? 10:39:15

23 A That's technology used in agricultural -- I 10:39:15  
24 mean, how extensive would you like me to compound on 10:39:21  
25 that? That is one of my professions, so I have 10:39:26

1 multiple courses in ag technology. So can you be 10:39:30  
2 more specific in your question, please? 10:39:32  
3 Q What are the courses that you teach outside 10:39:36  
4 of what you would categorize as agricultural 10:39:38  
5 technology? 10:39:41  
6 A I teach design classes on the process of 10:39:42  
7 design from concept through a production state. I 10:39:51  
8 teach courses that are related to machine design of 10:39:56  
9 off-highway and construction equipment, and then 10:40:04  
10 some of those include just general engineering 10:40:09  
11 technology principles as well. 10:40:11  
12 I teach some engineering drafting classes on 10:40:12  
13 how to properly document and create engineering 10:40:16  
14 documentation. 10:40:19  
15 I oversee some student clubs that are 10:40:23  
16 involved in heavy in design from concept through 10:40:26  
17 production state. 10:40:30  
18 Q Is it fair to say that the majority of your 10:40:37  
19 teaching time is related to agricultural machinery 10:40:42  
20 systems and the agricultural technology that you 10:40:48  
21 mentioned earlier? 10:40:52  
22 MR. RONDINI: Objection, misstates 10:40:53  
23 testimony. 10:40:54  
24 A I would say a portion of what I teach, but I 10:40:56  
25 have, other than ag, I have mechanical engineers in 10:41:01

1 my courses as well and I oversee and advise them on, 10:41:04  
2 in the engineering design process. 10:41:10

3 BY MR. THOMAS: 10:41:13

4 Q But your position is within the Department 10:41:13  
5 of Agricultural and Biosystems Engineering at South 10:41:17  
6 Dakota State, correct? 10:41:20

7 A That is correct. I also -- in many of my 10:41:21  
8 classes I have, some of them are actually more 10:41:25  
9 mechanical engineers than agriculture-based type of 10:41:27  
10 students. So it is pretty typical in collegiate 10:41:31  
11 environment that some courses I will have -- some of 10:41:35  
12 our students go to the mechanical engineering  
13 department. So it is quite common within the 10:41:44  
14 collegiate world that different departments share 10:41:47  
15 different teachings, and so it is not uncommon for 10:41:49  
16 students to cross-pollinate across the university in 10:41:52  
17 courses. 10:41:56

18 Q But generally speaking, the department that 10:41:58  
19 you are assigned to, its mission is to provide 10:42:04  
20 professional education or engineers and 10:42:07  
21 technologists who will serve agricultural, 10:42:10  
22 biological and environmental industries, correct? 10:42:13

23 MR. RONDINI: Objection to the extent it 10:42:16  
24 misstates testimony. 10:42:19

25 A No, that is a common misnomer about our 10:42:19

1 degree. We have lots of engineers and technologists 10:42:23  
2 that work outside of the ag field. 10:42:25  
3 BY MR. THOMAS: 10:42:37  
4 Q But the mission of the department is to 10:42:37  
5 provide the education that I just referred to, 10:42:41  
6 correct? 10:42:44  
7 MR. RONDINI: Same objection. 10:42:46  
8 A The ag and biosystems engineering is a broad 10:42:54  
9 field, and just because it has "agricultural" in the 10:42:58  
10 title does not mean we are exclusive to the ag 10:43:01  
11 field. 10:43:04  
12 BY MR. THOMAS: 10:43:10  
13 Q Looking at your declaration as to the '771 10:43:10  
14 patent, the 1140 IPR, maybe a preliminary question, 10:43:16  
15 your qualifications and professional experience 10:43:22  
16 section, Section 1 of your declaration, that is 10:43:25  
17 going to be the same in both the 11 -- sorry. 10:43:29  
18 Strike that. Got my numbers mixed up. 10:43:37  
19 You have a qualifications and professional 10:43:46  
20 experience section in your 1140 declaration, 10:44:01  
21 correct? 10:44:06  
22 A Would you refer them as '682 or '771? 10:44:06  
23 Q That is what you prefer, is by the patent 10:44:12  
24 number instead of the -- 10:44:15  
25 A Yes, if you could just say '682 declaration 10:44:16

1 or '771 declaration, that would be my preference for 10:44:20  
2 today. 10:44:23  
3 Q We will use that. 10:44:23  
4 A If that is okay with you. 10:44:24  
5 Q Yes, we will use that convention going 10:44:26  
6 forward, thank you. 10:44:28  
7 A Okay. 10:44:29  
8 Q Good idea to agree on that. So in the '682 10:44:29  
9 declaration, you have a qualifications of 10:44:33  
10 professional experience section, Section I, right? 10:44:37  
11 A You are referring to Page 18 or Paragraph 1 10:44:41  
12 of the Exhibit 1001? 10:44:47  
13 Q What is the heading on that page? 10:44:51  
14 A I was just making sure we are talking the 10:44:52  
15 same thing. So qualifications and professional 10:44:55  
16 experience and it starts with Paragraph Number 1, is 10:44:58  
17 that what you are looking at? 10:45:00  
18 Q Sure, yes. 10:45:01  
19 A Okay. 10:45:03  
20 Q And the qualifications and professional 10:45:03  
21 experience section in the '771 patent declaration 10:45:06  
22 has the same content, right? 10:45:11  
23 A I believe they are. I haven't done a full 10:45:13  
24 word-for-word comparison but they should be the 10:45:17  
25 same. 10:45:20

1 Q Pull up the '771 patent declaration. 10:45:20  
2 A All right, I have the declaration in front 10:45:30  
3 of me. 10:45:32  
4 Q And Page 16 of that declaration is where the 10:45:32  
5 heading I is? You got that? 10:45:36  
6 A Yes, I do. 10:45:44  
7 Q And the paragraph there that starts, "I am 10:45:45  
8 currently a lecturer at," that is Paragraph No. 5, 10:45:49  
9 right? 10:45:52  
10 A Yes, within the '771 declaration, it is 10:45:53  
11 Paragraph 5. 10:45:57  
12 Q But in the '682 declaration, it was 10:45:57  
13 Paragraph 1, right? 10:46:00  
14 A Yes, it appears that there was some 10:46:01  
15 numbering differences there now. 10:46:04  
16 Q So if you look back at the previous Page 15 10:46:06  
17 of the '771 declaration, you've got four numbered 10:46:10  
18 paragraphs there and then the numbering continues on 10:46:14  
19 Page 16 with Paragraph 5, right? 10:46:19  
20 A Yes. 10:46:21  
21 Q But in the '682 declaration, the numbering 10:46:22  
22 started over after that same prefatory material, 10:46:28  
23 right? 10:46:31  
24 A Yes, that appears to be, we have a 10:46:43  
25 difference between those two. There was a miscue in 10:46:47

1 numbering apparently. 10:46:52

2 Q But other than that, you would expect the 10:46:54

3 content to be the same because they are both 10:46:56

4 describing your qualifications and professional 10:46:58

5 experience? 10:47:01

6 A Yes. I haven't done a full word-for-word 10:47:01

7 comparison, but I would expect them to be same. 10:47:04

8 Q Did you type them out separately? 10:47:07

9 MR. RONDINI: Objection to form. 10:47:12

10 A It should have been, I mean, the content was 10:47:18

11 generated and then ultimately merged into the 10:47:22

12 overall document so I may have had some minor 10:47:25

13 tweaks. I don't remember exactly but the initial 10:47:28

14 content creation of that was done in one entity and 10:47:30

15 then placed into both documents. 10:47:35

16 BY MR. THOMAS: 10:47:37

17 Q So in the, let's do the '771 patent 10:47:37

18 declaration which is Exhibit 1001 in the 1140 IPR. 10:47:45

19 Actually, I am sorry, strike that. 10:47:54

20 Let's use the '682 patent declaration. I 10:47:59

21 have my numbering, my paragraph numbers for that 10:48:05

22 document. I was looking at the wrong one. So look 10:48:08

23 at the '682 declaration. 10:48:11

24 A Want me to look at the '682 declaration now? 10:48:13

25 Q Yes, '682 declaration for the one which is 10:48:14

1 Exhibit 1001 in the 1122 IPR, and then go to 10:48:18  
2 Paragraph 7. It starts from December of 2007 to 10:48:24  
3 March 2010, do you see that? 10:48:30  
4 A I see Paragraph 7 as identified. 10:48:33  
5 Q So here you are talking about your contract 10:48:37  
6 engineering through your own company, Prairie West 10:48:40  
7 LLC, right? 10:48:43  
8 A That is correct, yes. 10:48:44  
9 Q This paragraph spans about two pages? 10:48:45  
10 A Yes, a close approximation. 10:48:49  
11 Q And one of the things that you talk about -- 10:48:58  
12 strike that. 10:49:05  
13 The focus of this paragraph is your 10:49:05  
14 long-term contract that you performed during that 10:49:08  
15 period for a company called BOB Gear, right? 10:49:12  
16 A Yes, that is discussing my work experience 10:49:23  
17 for that particular company, BOB Gear. 10:49:27  
18 Q On Page 20, the third, towards the end of 10:49:30  
19 the third line, you testify, "As a parent of 10:49:36  
20 triplets who were toddlers at this point in my life, 10:49:40  
21 I was able to provide BOB Gear with not only 10:49:42  
22 engineering expertise but also direct applied 10:49:45  
23 knowledge of strollers from a parent's perspective." 10:49:49  
24 My question is, BOB Gear didn't pay you for 10:49:54  
25 your parenting perspective, did it? 10:50:01

1 MR. RONDINI: Objection to form, relevancy. 10:50:02

2 A I don't understand your question, 10:50:08

3 Mr. Thomas. 10:50:09

4 BY MR. THOMAS: 10:50:09

5 Q What were you hired to do for BOB Gear? 10:50:09

6 A As stated in there, it was a long-term 10:50:12

7 contract to work on the design of strollers which 10:50:16

8 included functionality. And ultimately, as I 10:50:20

9 stated, I am a proud parent of triplets and they 10:50:23

10 were toddlers that time. I knew, had personal 10:50:29

11 experience with purchasing and operating strollers 10:50:31

12 plus -- so that was one of the reasons that I was 10:50:36

13 able to land that contract. 10:50:40

14 So, yes my parental experience did play into 10:50:41

15 that. Had I not been a parent of triplets, I doubt 10:50:44

16 that I would have landed that contract. That was my 10:50:47

17 personal skills along with my technical skills were 10:50:51

18 exactly what they were looking for. 10:50:54

19 Q Do you think that you would not have been 10:50:55

20 hired for the job had you not had triplets? 10:51:01

21 A I guess I can rephrase that it definitely 10:51:04

22 helped me win that contract. I was doing freelance 10:51:11

23 engineering at the time. I had done a lot of, 10:51:13

24 actually, I had connections to the company and they 10:51:16

25 were interested in my design experience. 10:51:21

1           But they were really particularly interested   10:51:23  
2   in my parental experience and ability to, as a       10:51:25  
3   single entity, take knowledge of strollers and       10:51:28  
4   engineering CAD knowledge and testing engineering,   10:51:33  
5   mechanical engineering skills and a single skill set   10:51:39  
6   and do some design work with that.                 10:51:41

7           Q     What was your connection to the company at   10:51:42  
8   the time you were hired or before when you were     10:51:44  
9   interviewing?   10:51:48

10           MR. RONDINI:  Objection, compound.             10:51:49

11           A     Maybe break your question down.  You had a   10:51:55  
12   couple of things there.                             10:51:56

13           BY MR. THOMAS:                                 10:52:00

14           Q     You said, "I had connections to the company   10:52:00  
15   and they were interested in my design experience."   10:52:04  
16   That was part of your previous answer.             10:52:06

17                   What were the connections you had to the     10:52:08  
18   company that you were referring to in your previous   10:52:10  
19   answer?   10:52:12

20           A     I honestly don't remember, it was enough     10:52:12  
21   years ago.  I knew someone who introduced me to the   10:52:18  
22   owner of the company.                             10:52:20

23           Q     Do you recall how big the company was at the   10:52:21  
24   time you worked for them?                         10:52:24

25           A     At the time, no.  Most of their production    10:52:24

1 was done overseas, so they had a design staff, they 10:52:30  
2 had marketing staff, sales staff and a warehouse. 10:52:35  
3 They were shipping product from Boise, Idaho. 10:52:38  
4 Q Do you know whether or not they had any 10:52:41  
5 other people with multiple children who were 10:52:47  
6 employed or worked for them on a contract basis? 10:52:52  
7 MR. RONDINI: I object to the form. 10:52:58  
8 A There were multiple employees in the 10:53:02  
9 facility. I didn't know everyone's personal 10:53:03  
10 situation there. 10:53:06  
11 BY MR. THOMAS: 10:53:11  
12 Q But they had marketing staff that would -- 10:53:11  
13 right, you said that? 10:53:15  
14 A Yes, within the office there I know they had 10:53:19  
15 a staff that worked not on site, so I know they had 10:53:22  
16 multiple people in engineering, multiple people in 10:53:26  
17 the sales and marketing support, and they had a test 10:53:29  
18 and design team, they had a warehouse that they 10:53:33  
19 shipped product from. I don't remember total head 10:53:37  
20 count on all the people. 10:53:40  
21 Q Who did you work with on that project? 10:53:42  
22 A I was primarily part of the engineering team 10:53:45  
23 who reported to the, I believe he was the owner of 10:53:53  
24 the company or at least primary owner. And I also 10:53:55  
25 interacted with the sales and marketing team as 10:54:00

1 well. 10:54:02

2 Q So the time period that you referred to in 10:54:23  
3 Paragraph 7 is from December 7 to March 2010. 10:54:28

4 That's approximately 26 to 28 months, right? 10:54:33

5 A Yes, I guess I would have to go through and 10:54:39  
6 add up. It was over a two-year period of time that 10:54:43  
7 I worked for them. 10:54:45

8 It wasn't a full-time contract, it was -- I 10:54:46  
9 had other projects at the same time. I don't 10:54:50  
10 remember the total time I spent, but it was a 10:54:51  
11 primary project of mine during those two years. 10:54:54

12 Q But not full-time? 10:54:57

13 A As I said, I was freelance and they would 10:54:58  
14 have spurts, you know. It is pretty common in 10:55:05  
15 engineering, you will have spurts of engineering 10:55:08  
16 work in projects and then we would have a break and 10:55:10  
17 I would work on a different project. 10:55:12

18 And then they would have me come back and 10:55:14  
19 work another sprint with them, design-wise, 10:55:17  
20 throughout those multiple-year period of time. 10:55:20

21 Q Would you be able to estimate the cumulative 10:55:29  
22 experience you had during that time in a full-time 10:55:35  
23 equivalent standpoint? 10:55:41

24 A No, I would not be able to. 10:55:42

25 Q On Page 20 of Exhibit 1001, about halfway 10:55:49

1 down there is a sentence that starts, "This effort 10:56:16  
2 required extensive knowledge of the stroller market 10:56:20  
3 landscape." Do you see that? 10:56:23  
4 A What paragraph and what exhibit are you in? 10:56:24  
5 Q Page 20 of Exhibit 1001. 10:56:30  
6 A I was thinking Paragraph 20 -- Page 20. 10:56:33  
7 Q Same paragraph we have been talking about 10:56:36  
8 before, Paragraph 7 about your BOB experience. 10:56:38  
9 A I think you said paragraph and that's why I 10:56:40  
10 got tripped up. 10:56:42  
11 Q My apologies if that's happened, if that was 10:56:43  
12 true. 10:56:47  
13 So Page 20 about halfway down there is a 10:56:47  
14 sentence that starts, "This effort required 10:56:49  
15 extensive knowledge of the stroller market 10:56:52  
16 landscape." Do you see that? 10:56:55  
17 A Yes. 10:56:55  
18 Q So what extensive knowledge of the stroller 10:56:59  
19 market landscape did you have? 10:57:04  
20 A At that point in time I had, coming into BOB 10:57:06  
21 I had lots of personal experience. I had spent 10:57:14  
22 thousands of dollars of my own personal dollars on 10:57:17  
23 child mobility gear. And me being an engineer, I 10:57:21  
24 typically do extensive research. So through that 10:57:24  
25 and while my wife was pregnant we did lots of 10:57:28

1 research on lots of different products, talked to 10:57:33  
2 lots of people and understood, you know, kind of. 10:57:35  
3 So through that and just being my nature of 10:57:37  
4 background of an engineer and ultimately I became a 10:57:40  
5 product management type, became inquisitive of mind 10:57:43  
6 to investigate the industry. 10:57:46  
7 So at that time coming into that role, I 10:57:47  
8 knew a lot about the product that was on the market 10:57:49  
9 at that time which, as I said, helped me land this 10:57:52  
10 contract, not only because of my engineering 10:57:56  
11 expertise, but because of my personal parental skill 10:57:58  
12 as a multiples father and my knowledge of the 10:58:01  
13 strollers, present stroller market at that point in 10:58:06  
14 time. 10:58:10  
15 Q But your knowledge of the stroller market 10:58:12  
16 landscape, that's just information that you obtained 10:58:14  
17 as a user, right? 10:58:19  
18 MR. RONDINI: Objection, misstates 10:58:22  
19 testimony. 10:58:25  
20 A I guess I don't quite understand your 10:58:29  
21 question, Mr. Thomas. 10:58:31  
22 BY MR. THOMAS: 10:58:33  
23 Q When you were looking into different 10:58:33  
24 stroller products to meet your family's needs, you 10:58:36  
25 looked at what strollers were available to you on 10:58:42

1 the market, right? 10:58:46

2 MR. RONDINI: I object to form. 10:58:49

3 A Yes, I guess coming into the BOB Gear 10:58:53

4 contract I was looking at them from a features, you 10:58:56

5 know, I am an engineer so I look at how things are 10:59:01

6 made, durability, reliability of the product, that 10:59:03

7 was important to me, how stuff, you know, details of 10:59:08

8 them, you know, quality of the product. 10:59:10

9 I would look into sometimes the nature of 10:59:15

10 the company and, you know, just basically resale 10:59:16

11 value of the product once you are done with it. So 10:59:20

12 I can't remember all the details, but just being an 10:59:23

13 engineer. 10:59:25

14 And typically, if I am going to spend that 10:59:25

15 much personal money, I will do a fair amount of 10:59:27

16 investigation and with that, you know, blog posts 10:59:30

17 were more common at that time. I am sure we had 10:59:34

18 some books that we had purchased about it. 10:59:37

19 I can't remember all the details that I read 10:59:40

20 leading into those purchases. 10:59:42

21 Q And in your, later on in your declaration 10:59:44

22 testimony you reference some blog posts and some 10:59:48

23 books by people who were writing about baby 10:59:51

24 products, right? Do you recall that? 10:59:56

25 A Yes, in my declaration there are some 10:59:59

1 references in there in regards to the state of the 11:00:04  
2 art at that point in time and some journalist 11:00:09  
3 bloggers and stuff like that. 11:00:12

4 Q And those journalists and bloggers and 11:00:13  
5 writers, they are writing for a general consumer 11:00:16  
6 audience, not for product marketers or engineers 11:00:19  
7 specifically, right? 11:00:22

8 MR. RONDINI: Objection to the extent it 11:00:24  
9 misstates testimony. 11:00:25

10 A No, I wouldn't say that. I mean, it is 11:00:29  
11 typical, even it is quite common that in any 11:00:31  
12 industry there are general industry publications 11:00:35  
13 talking about the state of the industry. And I 11:00:37  
14 would say engineers and technicians read those kind 11:00:39  
15 of, and marketers read those materials as well as 11:00:43  
16 the general public. 11:00:45

17 BY MR. THOMAS: 11:00:57

18 Q My question was about the blogs and the 11:00:57  
19 writings themselves. The authors of those writing 11:01:03  
20 were writing for general audiences, for a general 11:01:07  
21 audience, not for engineers specifically, right? 11:01:11

22 MR. RONDINI: Objection, asked and answered. 11:01:16

23 A You know, as a blog poster, I don't know if 11:01:24  
24 you always know who your audience is. You post 11:01:26  
25 about a product and I think you generally hope you 11:01:29

1 get views of all kinds. The wider the audience, the 11:01:31  
2 better. I don't know that. 11:01:34  
3 Like I said, lots of industries, there's 11:01:36  
4 lots of general trade publications, you know, 11:01:38  
5 bloggers and stuff like that. And I would say that 11:01:41  
6 it is just general information. 11:01:46  
7 In the least case, there is general 11:01:48  
8 information about the strollers themselves, 11:01:49  
9 marketing information, product information, 11:01:51  
10 landscape information. 11:01:55  
11 Q And that's general product information about 11:01:56  
12 the products and the features of the products and 11:02:00  
13 how those features meet parents' needs, correct? 11:02:02  
14 MR. RONDINI: Objection, asked and answered. 11:02:06  
15 A I guess, if you have a more specific 11:02:12  
16 question, Mr. Thomas, I don't know how to answer the 11:02:16  
17 question differently. 11:02:18  
18 BY MR. THOMAS: 11:02:33  
19 Q I guess I am just trying to understand, I am 11:02:33  
20 trying to understand what you mean. I am trying to 11:02:35  
21 understand this statement that the work you did for 11:02:38  
22 BOB Gear required extensive knowledge of the 11:02:43  
23 stroller market landscape. And it seems to me that 11:02:46  
24 what I am hearing from you is that the extensive 11:02:52  
25 knowledge of the stroller market landscape, the 11:02:56

1 information that you were obtaining about the 11:02:58  
2 stroller market landscape was not specialized 11:03:01  
3 engineering or specialized marketing information, it 11:03:05  
4 was just normal consumer information that anybody 11:03:07  
5 would be interested in reading if they have triplets 11:03:11  
6 or doublets or singlets, right? Is that fair? 11:03:15  
7 MR. RONDINI: Objection, compound, asked and 11:03:21  
8 answered. 11:03:23  
9 A I think you made up a, doublets isn't a 11:03:23  
10 word, but anyway, you can use it if you wish. 11:03:25  
11 BY MR. THOMAS: 11:03:28  
12 Q I can. 11:03:28  
13 A The one thing when I worked for BOB, 11:03:32  
14 ultimately as I became, from an engineering 11:03:35  
15 perspective, my perspective changed in regards to, 11:03:37  
16 so, once my contract with BOB was engaged, 11:03:41  
17 ultimately I spent more additional time from taking 11:03:45  
18 the personal product knowledge that I had and 11:03:47  
19 working with BOB and their technical, in-house 11:03:50  
20 technical expertise and industry experts that they 11:03:53  
21 in understanding the BOB stroller from a more 11:03:56  
22 technical level. 11:04:00  
23 So part of my experience at BOB was working 11:04:00  
24 with them and learning the market from a more 11:04:03  
25 technical standpoint and then taking some of their 11:04:06

1 industrial designs, working with the product 11:04:09  
2 development team, developing new concepts and 11:04:12  
3 testing them to meet product reliability, durability 11:04:14  
4 and safety criteria. 11:04:18  
5 Q But prior to your experience at BOB, you did 11:04:22  
6 not have that technical standpoint, that market 11:04:27  
7 learning from a technical standpoint, right? You 11:04:38  
8 just had it from a consumer standpoint before you 11:04:42  
9 started working for BOB? 11:04:44  
10 MR. RONDINI: Objection, misstates 11:04:47  
11 testimony. 11:04:48  
12 A No, I guess, you know strollers use, 11:04:51  
13 fundamentals of strollers are structural components, 11:04:55  
14 plastic, steel, wheels, you know. I had extensive 11:04:58  
15 background, you know, my master's in mechanical 11:05:02  
16 engineering. And so, you know a lot of the same 11:05:05  
17 concepts that are used in, you know, my profession 11:05:09  
18 is heavy equipment that moves and rolls and dynamics 11:05:15  
19 of vehicles. 11:05:17  
20 And so strollers may not have an engine on 11:05:18  
21 them, but they have, in terms of dynamics, they have 11:05:20  
22 vehicle dynamics. And I had a fair amount of 11:05:26  
23 knowledge of vehicle dynamics coming in that 11:05:29  
24 project. 11:05:32  
25 And at that time, if you are not familiar 11:05:33

1 with the BOB product, it is an, I would call it an 11:05:34  
2 off-highway stroller. I mean, that is really what 11:05:37  
3 the focused on, is a jogging stroller, heavy duty. 11:05:41  
4 That's why they liked my more industrial experience, 11:05:44  
5 because typical engineerings at that time were more 11:05:47  
6 plastic, consumer-based stuff. 11:05:50  
7 And so they actually very sought after my 11:05:52  
8 technical skills because I could take a look at it 11:05:56  
9 from a perspective some of the people in the 11:05:59  
10 industry may not have. So that's why my background 11:06:02  
11 leading into my expertise, and then combine that 11:06:05  
12 with their expertise on strollers, and my personal 11:06:07  
13 knowledge, I redesigned some very good product. 11:06:11  
14 There is product that is still in production 11:06:14  
15 today from the work I did for them. 11:06:16  
16 Q What product did you work on, or products, 11:06:18  
17 plural? 11:06:21  
18 A Like I said, there was some confidential 11:06:21  
19 stuff that I don't know if it was public, that was 11:06:32  
20 pretty common for companies to design concepts that 11:06:33  
21 don't make it to the production state. And so 11:06:37  
22 oftentimes engineers, you as a general consumer may 11:06:40  
23 never see the work that we do. 11:06:44  
24 So I worked multiple iterations of products 11:06:46  
25 for them that they decided to not release to the 11:06:48

1 full public. But there was portions of those 11:06:51  
2 designs that we then integrated and are in -- I 11:06:54  
3 haven't looked as of recently, but I do know that I 11:06:58  
4 think the BOB, like the their double and single 11:07:01  
5 stroller was, their jogging strollers was some work 11:07:04  
6 that I did for them. 11:07:08

7 Q Do you know the product names? 11:07:11

8 A Well, it was purchased, I understand that it 11:07:14  
9 was purchased by, it was owned by Britax Child 11:07:22  
10 Safety now. I haven't really kept full intimate 11:07:25  
11 track of the company in recent years. 11:07:30

12 But they, I believe they still have their 11:07:34  
13 jogging, their three-wheeled single and double 11:07:37  
14 stroller that I worked on. 11:07:44

15 Q And that's your testimony at the bottom of 11:07:47  
16 Paragraph 7, that BOB Gear, "BOB Gear still produces 11:07:50  
17 the strollers that I helped design"? 11:07:54

18 A Yes, like I said, I don't know what rolls 11:07:58  
19 off the production line now, but as of recently in 11:08:01  
20 the last couple of years when I see, I often see a 11:08:04  
21 BOB stroller in the general public and I will 11:08:08  
22 recognize some of the work that I did on them. 11:08:10

23 Q What do you recognize in the strollers that 11:08:13  
24 you see in terms of the work that did on them? 11:08:16

25 A I did some work on the suspension system. I 11:08:22

1 did some work on the systems that allow child seats 11:08:26  
2 to be attached to the strollers themselves and 11:08:35  
3 ultimately making sure that when you put a child 11:08:41  
4 seat in the stroller, that the center of gravity and 11:08:45  
5 tip-over stuff, so I did some structural design of 11:08:49  
6 those components. 11:08:52  
7 Q In addition to the two IPRs that we are 11:08:58  
8 discussing today, two patents and two IPRs we are 11:09:05  
9 discussing today, you worked on a total of seven 11:09:10  
10 different Baby Jogger IPRs, right? 11:09:12  
11 MR. THOMAS: Off the record. 11:09:44  
12 (Discussion off the record.) 11:09:50  
13 MR. THOMAS: We can go back on the record. 11:09:51  
14 BY MR. THOMAS: 11:09:53  
15 Q Your work on the Baby Jogger IPRs 11:09:55  
16 encompassed seven different proceedings and seven 11:10:00  
17 different declarations, right? 11:10:02  
18 MR. RONDINI: Objection, form, outside the 11:10:05  
19 scope. 11:10:06  
20 A I don't have that count in front of me right 11:10:10  
21 now. I don't remember the total work that I did, 11:10:13  
22 sorry, outside of these two. 11:10:19  
23 Q But there were multiple others, you remember 11:10:21  
24 that, right? 11:10:24  
25 A Yes, there was additional work I did outside 11:10:25

1 of the '682 and '771 declaration. 11:10:29

2 Q But before you were involved in these Baby 11:10:33

3 Jogger proceedings, you had offered expert testimony 11:10:38

4 in several other cases at PTAB, right? 11:10:40

5 MR. RONDINI: Objection, relevancy, outside 11:10:44

6 the scope. 11:10:46

7 A I have, yes, declarations outside of the 11:10:51

8 '682 and '771 declarations. 11:10:58

9 MR. THOMAS: Actually, can we go off the 11:11:02

10 record? 11:11:03

11 (At 11:11 a.m., a recess was taken for 15 11:11:03

12 minutes.)

13 MR. THOMAS: On the record. 11:27:08

14 BY MR. THOMAS: 11:27:11

15 Q So besides the Baby Jogger IPR, you were 11:27:12

16 involved in testimony in a bunch of other cases at 11:27:16

17 the PTAB as well, right? 11:27:19

18 A Yes, outside of the '682 and '771 11:27:21

19 declarations that we are discussing today, I've been 11:27:26

20 involved in other IPR legal cases. 11:27:28

21 MR. THOMAS: I am going to share on the -- 11:27:34

22 that's not the window I wanted. I'm not sharing, 11:27:37

23 am I? No, I am not. I thought I had it all set 11:27:44

24 and it is not. 11:27:51

25 Q So do you see on the screen now a document 11:28:06

1 that I've shared with you? 11:28:10

2 MR. RONDINI: Objection, I will list an 11:28:15

3 objection on the record. This is outside the 11:28:17

4 scope of the deposition notice, outside the scope 11:28:19

5 of these proceedings under 4253, and it isn't 11:28:22

6 listed this on your deposition notice as an 11:28:26

7 exhibit for today. 11:28:29

8 MR. THOMAS: Objection noted, and incorrect 11:28:29

9 because it is a cross-examination, so I don't 11:28:31

10 have to list those exhibits. But your objection 11:28:34

11 is on the record, so we can go forward. 11:28:37

12 BY MR. THOMAS: 11:28:39

13 Q Mr. Prairie, do you see the document, 11:28:40

14 correct? 11:28:42

15 A Yes, I see a document you have on the 11:28:42

16 screen. 11:28:46

17 Q Do you recognize this document? 11:28:46

18 A Yes, this is related to one of the first 11:28:50

19 cases that I worked on. This is one of the cases 11:28:54

20 that I worked on. It was a combination of Precision 11:29:01

21 AGCO and then there is some Monsanto stuff mixed 11:29:08

22 into there too. I don't remember. It was during 11:29:12

23 the sales of different names that are on there. 11:29:15

24 Q I will note for the record this is, we have 11:29:17

25 marked this as Baby Jogger Exhibit 2101, you see 11:29:19

1 that in the bottom right corner. I will go to the 11:29:25  
2 end of the document here at Page 125. And is this 11:29:27  
3 your signature on the document? 11:29:33  
4 A Yes, that looks like my signature. 11:29:34  
5 Q And you submitted this declaration in May 11:29:43  
6 2019? 11:29:46  
7 A That is the date that is on that document. 11:29:46  
8 Q So I am paging down now to Paragraph 8 on 11:29:56  
9 Page 4. Do you see that? 11:30:04  
10 A I see Paragraph 8 that you have on, yes, I 11:30:05  
11 see the paragraph you are referring to on your 11:30:15  
12 screen. 11:30:17  
13 Q This is from the 2019 IPR. Here it 11:30:17  
14 references your freelance agricultural, mechanical 11:30:23  
15 and industrial design engineering for your own 11:30:28  
16 company, Prairie West. And it says it is from 2007 11:30:31  
17 to the present, right? 11:30:35  
18 A Yes, I was still at that point in time, my 11:30:36  
19 Prairie West LLC entity was still active. 11:30:44  
20 Q Are you saying it is not active anymore? 11:30:47  
21 A No, that LLC is no longer active. 11:30:50  
22 Q You provided some examples of the work you 11:30:56  
23 have done through your Prairie West LLC, correct? 11:31:00  
24 A Yes, there is a general listing there within 11:31:02  
25 my background section. 11:31:08

1 Q In this 2019 declaration, you noted that you 11:31:11  
2 had done, at the end of the sentence, "industrial 11:31:14  
3 design and product development for consumer products 11:31:18  
4 company that developed child strollers," right? 11:31:21

5 A I see the line that you have highlighted. 11:31:25

6 Q So in this declaration, the mention of your 11:31:35  
7 work on strollers merits less than a sentence, 11:31:38  
8 right? 11:31:44

9 MR. RONDINI: Objection, form, relevancy. 11:31:46

10 A Well, I also note in there that this was in 11:31:51  
11 regards to planters, and so if you look further in 11:31:54  
12 my background, you will probably see a multi-page 11:31:58  
13 background in regards to my specific industry with 11:32:01  
14 planters at that point in time. So because the 11:32:04  
15 cases were around planter technology, I expanded my 11:32:07  
16 experience particularly to the case that I was 11:32:10  
17 working on. 11:32:12

18 BY MR. THOMAS: 11:32:15

19 Q And you have done that in the present cases 11:32:15  
20 as well, you expanded the experience about strollers 11:32:19  
21 to two full pages, and the longest paragraph in your 11:32:24  
22 background section, right? 11:32:27

23 MR. RONDINI: Objection, relevancy, 11:32:30  
24 misstates document. 11:32:30

25 A When I do a case, I have other cases outside 11:32:34

1 of this one. And it is no different than a cover 11:32:37  
2 letter in a resume. You showcase relevancy of your 11:32:41  
3 work in that particular field. 11:32:45  
4 And so this particular case is about 11:32:48  
5 strollers. And so therefore I expanded my knowledge 11:32:50  
6 and expertise in my background section regarding 11:32:54  
7 strollers for this case. 11:32:58  
8 The one that you have on your screen was 11:32:59  
9 related to planter and seeder technology. So that 11:33:01  
10 one the, my background in regards to planter 11:33:05  
11 development was definitely more in depth than it is 11:33:10  
12 in the '682 and '771 declarations. 11:33:14  
13 Q I am going to stop sharing this document 11:33:28  
14 now. 11:33:32  
15 Other than your experience between December 11:33:32  
16 2007 and March 2010, you don't have any experience 11:33:44  
17 working on the, professional work on strollers, 11:33:49  
18 correct? 11:33:57  
19 MR. RONDINI: Objection, form, misstates 11:33:58  
20 testimony. 11:34:01  
21 A No, I guess that time period is when I 11:34:05  
22 directly worked for BOB strollers, but, you know, 11:34:07  
23 there are other things related to strollers. You 11:34:10  
24 know, I worked on a lot of machine design. I worked 11:34:13  
25 on a lot of engineering design. 11:34:17

1           Even in my recent years of teaching at South   11:34:19  
2   Dakota State, I've had multiple consumer and       11:34:21  
3   industrial projects that I have personally overseen   11:34:25  
4   in regards to my students. We have right now for   11:34:29  
5   the last seven or eight years, we've got a club       11:34:35  
6   project that works on bicycles that are           11:34:40  
7   human-powered bicycles. So there is a lot of       11:34:43  
8   similar dynamics with wheels and motion.           11:34:46  
9           So, no, I would say a lot of my career,       11:34:48  
10   there's a lot of things that I've done over my       11:34:52  
11   career that are directly related to stroller design   11:34:54  
12   and the industry itself.                           11:34:56  
13       Q     But I didn't ask about related to or similar   11:34:58  
14   to, I asked about strollers. So you have not done   11:35:02  
15   any professional work involving strollers other than   11:35:06  
16   your time while working for BOB Gear, correct?     11:35:10  
17           MR. RONDINI: Objection, misstates           11:35:14  
18   testimony, form.                                   11:35:18  
19       A     Like I said, I have an extensive background   11:35:26  
20   in mechanical design, and so some of the things that   11:35:29  
21   I work on I don't always know where they land. So,   11:35:34  
22   you know, I am a fundamental educator and teacher.   11:35:36  
23   I don't keep track of where all my students go.     11:35:40  
24           And so it is quite possible the things I am     11:35:43  
25   working on, my students may be working on a stroller   11:35:45

1 in that space. So to tell you that it is exclusive, 11:35:47  
2 no, I can't tell you for sure on that. 11:35:49

3 Q And I didn't ask about your students working 11:35:51  
4 on strollers, did I? 11:35:54

5 A No, but you asked work related to strollers 11:35:55  
6 and -- 11:36:03

7 Q Did you supervise any student projects 11:36:05  
8 involving strollers? 11:36:07

9 A I supervise students that learn fundamental 11:36:08  
10 skills that are part of strollers. 11:36:18

11 Q Did you supervise any student projects 11:36:19  
12 involving a stroller? 11:36:22

13 A I have supervised projects that are involved 11:36:22  
14 in machine design, product development process. And 11:36:29  
15 like I said, I am an educator right now and so I 11:36:34  
16 teach students fundamental skills and in recent 11:36:37  
17 years. 11:36:40

18 And so I don't always know where they go. 11:36:41  
19 But the skills that I am working on, I work on 11:36:44  
20 presently are definitely applied to the stroller 11:36:49  
21 industry. 11:36:51

22 MR. THOMAS: Objection, move to strike as 11:36:52  
23 not responsive. 11:36:54

24 BY MR. THOMAS: 11:36:56

25 Q Did you supervise any student projects that 11:36:56

1 involved a stroller? 11:37:01

2 MR. RONDINI: Objection, asked and answered. 11:37:03

3 A You know, South Dakota State is a large 11:37:07

4 university. I advise students on the mechanical 11:37:10

5 engineering side. 11:37:14

6 I don't keep track of all the projects that 11:37:14

7 those students work on, but they are often are in my 11:37:16

8 classes. And I've been teaching for ten years. I 11:37:19

9 don't recall every project that they worked on in 11:37:22

10 that department and -- 11:37:24

11 Q I am not asking -- 11:37:25

12 A So I am -- you are asking me a question and 11:37:26

13 I've helped a lot of people in a lot of projects 11:37:30

14 over the years, particularly at South Dakota State. 11:37:32

15 We have a large engineering college. And that 11:37:35

16 department works on a lot of projects. 11:37:38

17 And so I get asked to support a lot of 11:37:40

18 things in that department. So to tell you that 11:37:44

19 there was no strollers in there, I can't accurately 11:37:46

20 tell you that answer. 11:37:49

21 Q Have you ever used strollers, specifically 11:37:50

22 stroller products as an example in discussions about 11:37:55

23 these engineering concepts? 11:37:59

24 A Well, I have background as stroller design. 11:38:00

25 To tell you that I've never, to tell you that I've 11:38:07

1 never referenced my stroller background or stroller 11:38:10  
2 design in my courses would be an incorrect 11:38:12  
3 statement. 11:38:14

4 Q But it would also be an incorrect statement 11:38:14  
5 to say that you know that you have referenced your 11:38:18  
6 stroller experience or stroller design in your 11:38:21  
7 classes, right? 11:38:24

8 MR. RONDINI: I object to form. 11:38:26

9 A Like I said, I am a lecturer. I go through, 11:38:29  
10 oftentimes when I go through, when I give 11:38:32  
11 background, I know for a fact that I've talked about 11:38:35  
12 my stroller background with my students just to tell 11:38:37  
13 them that, as an example, you don't know where your 11:38:40  
14 career is going to go. 11:38:44

15 And so to tell you that as an undergraduate 11:38:45  
16 student would I expect you to design strollers? I 11:38:47  
17 probably would say no. But I often tell my 11:38:49  
18 students, you don't know where your career is going 11:38:52  
19 to go. 11:38:54

20 An example for me is I design stroller and I 11:38:54  
21 know it comes up in discussion. And oftentimes 11:38:57  
22 students ask me about my background and expertise. 11:39:00  
23 And they relate that to the projects that they are 11:39:02  
24 working on. 11:39:04

25 So I don't remember all the projects that 11:39:05

1 SDSU does. We are a large engineering college and 11:39:08  
2 lots of projects come through our facility. 11:39:12

3 Q You know for a fact that you brought this 11:39:15  
4 up, that's what you just said. Can you give an 11:39:17  
5 example of one time where that has happened, a 11:39:19  
6 specific conversation or a specific interaction? 11:39:22

7 MR. RONDINI: Relevancy. 11:39:25

8 A I interact with hundreds of students in a 11:39:28  
9 semester and on a daily basis I have conversations 11:39:30  
10 with many of them. So over a ten-year period to 11:39:34  
11 recall every conversation every time in my 11:39:37  
12 background, I can tell you with certainty that I've 11:39:39  
13 had conversations over the ten -- my recent years 11:39:42  
14 with students about strollers. 11:39:47

15 As to what the specifics of the conversation 11:39:48  
16 was, no, I can't go into those details because I 11:39:50  
17 don't recall. 11:39:53

18 BY MR. THOMAS: 11:39:54

19 Q So you know for a fact that you have talked 11:39:54  
20 about your stroller background with your students 11:39:59  
21 but you don't know for a fact whether or not you 11:40:02  
22 spoke to your counsel yesterday or worked on your 11:40:05  
23 preparation for this deposition for more than five 11:40:10  
24 minutes. 11:40:13

25 MR. RONDINI: Objection, misstates 11:40:17

1 testimony. 11:40:18

2 A I know that I've had multiple conversations 11:40:22  
3 with students. And, you know, stroller design is in 11:40:25  
4 my background. 11:40:28

5 And like I said, an active project that we 11:40:29  
6 are worked on right now is a human-powered vehicle 11:40:34  
7 that has a lot of characteristics of strollers, its 11:40:37  
8 center of gravity, its structures. And I know for a 11:40:41  
9 fact that with those students I've talked about my 11:40:45  
10 background, the stroller design and mobility to, in 11:40:47  
11 that project. 11:40:52

12 So exact details, I can't recall. But I 11:40:53  
13 know I have had conversations with my students about 11:40:56  
14 it. 11:40:57

15 Q When you worked at -- let's pull up your 11:41:07  
16 '678 declaration. Go to page -- 11:41:25

17 A What are you talking about? 11:41:27

18 Q The '678 declaration. 11:41:28

19 A Which one is that one? 11:41:30

20 Q I am sorry, '682 declaration, my apologies. 11:41:31  
21 That's a typo I've made several times in my notes 11:41:38  
22 causing my colleagues frustration. I had a 11:41:42  
23 different patent case with a '678 patent. So 11:41:46  
24 '678 -- '682 declaration, Page 21, Paragraph 8. 11:41:50

25 A Okay. 11:41:59

1 Q It says, "From March 2010 until March 2015, 11:41:59  
2 I worked for Raven Industries, now part of CNHi." 11:42:02  
3 And this was immediately after you stopped working 11:42:08  
4 at, for BOB Gear on your contract through Prairie 11:42:12  
5 West, correct? 11:42:17

6 A Yes, that is correct, that was after I moved 11:42:17  
7 from Boise, Idaho at that time. That's where BOB 11:42:21  
8 strollers was even then. In March of 2010 I 11:42:25  
9 relocated to Sioux Falls, South Dakota and began 11:42:27  
10 employment with Raven Industries. 11:42:30

11 Q And while you were working for Raven 11:42:32  
12 Industries, you did not design, develop or test 11:42:36  
13 engineer a single or double stroller? 11:42:40

14 A My time with CNH -- sorry, Raven Industries 11:42:44  
15 now part of CNH, was predominantly focused on 11:42:51  
16 planter and air seeder product controls. 11:42:54

17 Q I asked a yes or no question, and so I'd 11:42:57  
18 like a yes or no answer. While you were working for 11:43:00  
19 Raven Industries, you did not design, develop or 11:43:03  
20 test engineer a single or double stroller, correct? 11:43:06

21 MR. RONDINI: Objection, compound. 11:43:10

22 A While I worked for Raven Industries, I 11:43:16  
23 worked on planter and air seeder controls 11:43:17  
24 predominantly. I also worked there for five years, 11:43:20  
25 so I worked on multiple projects, worked on the 11:43:26

1 sales and marketing team. 11:43:29

2 Q And none of those projects involved a 11:43:32

3 stroller, did they? 11:43:35

4 A Raven Industries, the group I was working 11:43:38

5 with, is predominantly an electronics controls 11:43:41

6 company for precision ag applications. 11:43:44

7 Q That's not a stroller, is it? 11:43:46

8 A Those products, that was not for strollers, 11:43:48

9 no. 11:43:53

10 Q So you did not work on a stroller at Raven 11:43:53

11 Industries? 11:43:57

12 A Raven Industries did not work in the 11:43:57

13 stroller market industry, no. 11:44:02

14 Q Mr. Prairie, you are not answering my 11:44:03

15 questions and I am going to ask you and instruct you 11:44:05

16 to answer the question. I didn't ask about what 11:44:07

17 Raven Industries did, I asked what you did. The 11:44:10

18 question is: So you did not work on a stroller at 11:44:13

19 Raven Industries, did you? 11:44:18

20 MR. RONDINI: Objection, asked and answered. 11:44:19

21 Please do not harass the witness. 11:44:21

22 A Sir, you are asking about Raven Industries 11:44:25

23 and it is obvious you do not know a lot about the 11:44:27

24 company, so I am trying to inform you what the 11:44:29

25 company -- 11:44:31

1 MR. THOMAS: Move to strike. 11:44:32

2 BY MR. THOMAS:

3 Q I am not asking about what the company does. 11:44:33

4 I don't ask you, I don't need to be informed about 11:44:36

5 what the company does, Mr. Prairie. 11:44:38

6 I am asking what you did at Raven 11:44:40

7 Industries. I am asking, I am cross-examining you 11:44:43

8 about your background and experience. Do you 11:44:45

9 understand that? 11:44:47

10 A Mr. Thomas, can I ask you to tone the voice, 11:44:48

11 you tone your voice down so you are not so 11:44:52

12 aggressive? 11:44:54

13 Q Do you understand my question? 11:44:55

14 A Paragraph 8 that you cited says, "From March 11:44:57

15 2010 to March 2015, I worked for Raven Industries 11:45:01

16 which is now a part of CNHi, first as a product 11:45:05

17 manager, then as the North American sales manager. 11:45:08

18 In those roles, I oversaw development and launch of 11:45:10

19 multiple mechanical products." 11:45:13

20 Q Mr. Prairie, and I know this is not a normal 11:45:14

21 thing, but yes, I am going to interrupt your answer 11:45:17

22 because it is not responsive to my question. 11:45:19

23 My question is, and I will say it in an 11:45:21

24 easier tone, I am going to -- you personally did not 11:45:24

25 work on a stroller while you were at Raven 11:45:32

1 Industries, did you? 11:45:36

2 A While I was working at Raven Industries, I 11:45:36  
3 worked on air seeder product controls. At that 11:45:43  
4 point in time I don't think I was doing much 11:45:51  
5 freelance work anymore. 11:45:53

6 I may have still done work for BOB at the 11:45:54  
7 time, I don't remember exactly. I may have still 11:45:57  
8 had some work to follow up with them on. 11:45:59

9 Q So the answer is no, you did not work on a 11:46:01  
10 stroller project for Raven Industries, isn't it? 11:46:05

11 A So you are asking about directly for Raven 11:46:09  
12 Industries, so, no, directly for Raven Industries, I 11:46:13  
13 did not work on strollers. However, during that 11:46:16  
14 period of time, it was possible that I was wrapping 11:46:18  
15 up work for BOB as a transition period there for me. 11:46:21

16 So there was still a possibility. I can't 11:46:27  
17 remember exactly. I was still wrapping up some 11:46:30  
18 projects from Idaho while was I was working 11:46:31  
19 full-time, so. 11:46:34

20 Q And then your next role was from June 2015 11:46:35  
21 to June 2016 you worked for POET Research, correct? 11:46:39

22 A Yes, the next paragraph in there, so POET 11:46:43  
23 Research as a mechanical research manager. 11:46:48

24 Q And in June 2015 would you still have been 11:46:51  
25 wrapping up any work for BOB Gear that you had 11:46:56

1	testified you performed from December 2007 to March	11:46:59
2	2010?	11:47:02
3	A By that time I probably wrapped up my work	11:47:03
4	for them.	11:47:08
5	Q And working for POET Research, you did not	11:47:13
6	do any stroller work for POET Research, did you?	11:47:17
7	A Directly for POET Research, no, I did not on	11:47:21
8	strollers but I did work on a lot of mechanical	11:47:27
9	systems and projects for them.	11:47:31
10	Q In fact, you didn't work on any baby	11:47:32
11	products for POET Research, did you?	11:47:34
12	A No, POET Research was an ethanol-based	11:47:36
13	company and a bioproducts company.	11:47:43
14	Q And you also worked for Case Corporation at	11:47:45
15	some point?	11:47:48
16	A Yes, early in my career when I first	11:47:50
17	started, I worked for Case Corporation.	11:47:54
18	Q And you did not perform any work for Case	11:47:56
19	Corporation related to strollers or baby products,	11:48:00
20	correct?	11:48:03
21	A Case Corporation, the work I did for them	11:48:03
22	was for planting and seeding equipment, the work	11:48:09
23	that I did for them.	11:48:11
24	Q So the answer is no, you did not do any work	11:48:12
25	on strollers or baby products for Case Corporation,	11:48:16

1 right? 11:48:19

2 A I am telling you the work I did do. The 11:48:19  
3 work I did for BOB, for Case IH was product 11:48:23  
4 development work for planting and seeding equipment 11:48:28  
5 predominantly. 11:48:31

6 Q I understand that you are trying to tell me 11:48:31  
7 about the work you did do. I am asking you about 11:48:33  
8 the work you didn't do. 11:48:34

9 And you didn't work on baby, some products 11:48:36  
10 or strollers for Case Corporation, did you? 11:48:39

11 A I did not work on strollers for Case 11:48:42  
12 Corporation. 11:48:47

13 Q And you did not work on strollers for 11:48:47  
14 Multiquip, did you? 11:48:50

15 MR. RONDINI: Objection, foundation. 11:48:54

16 A When I worked for Multiquip I worked on 11:49:03  
17 concrete placement and cutting equipment 11:49:09  
18 predominantly.

19 BY MR. THOMAS: 11:49:09

20 Q Again, I didn't ask what you did work on, I 11:49:09  
21 asked what you did not work on. You did not work on 11:49:11  
22 strollers or baby products for Multiquip, did you? 11:49:14

23 A Multiquip does not produce strollers and 11:49:17  
24 jogging strollers, so therefore it was not part of 11:49:23  
25 my project experience with them. 11:49:26

1 Q And would the same answer apply to your work 11:49:27  
2 for Bratney Companies? 11:49:30

3 MR. RONDINI: Same objection. 11:49:36

4 A Bratney Companies, I did not produce 11:49:39  
5 strollers, so I did not, they did not have a 11:49:44  
6 dedicated stroller project for me. 11:49:48

7 BY MR. THOMAS: 11:49:52

8 Q Or a baby product project at all, right? 11:49:52

9 A Bratney was an engineering firm, industrial 11:49:58  
10 process. They did not produce consumer products in 11:50:04  
11 the baby stroller space. 11:50:09

12 Q I am going to share my screen again, I 11:50:14  
13 think. This is we are looking again at Patent Owner 11:50:20  
14 Exhibit 2101, this 2019 declaration we talked about 11:50:37  
15 earlier, and I'm going to go to Paragraph -- I am 11:50:43  
16 sharing my screen right now. I may not have hit the 11:51:07  
17 right button. 11:51:11

18 THE WITNESS: No, you are not. 11:51:13

19 MR. THOMAS: There we go. 11:51:20

20 Q How about now? Do you see the declaration 11:51:28  
21 now? 11:51:32

22 A I see a document you have on the screen 11:51:33  
23 here. 11:51:36

24 MR. RONDINI: I don't know if this is the 11:51:38  
25 same document I lodged my same complaint I had 11:51:40

1 earlier. 11:51:42

2 BY MR. THOMAS: 11:51:43

3 Q And this is Exhibit 2101, the 2019 11:51:43

4 declaration you did for Precision Planting, right? 11:51:49

5 A All right, I see the document that you have 11:51:52

6 on the screen. 11:51:59

7 Q I've gone to Page 8 of this document, 11:52:04

8 Paragraph 15. It says, "I am being compensated at 11:52:07

9 my normal consulting rate of \$225 an hour for my 11:52:14

10 work." Do you see that? 11:52:20

11 A Yes, I see the line you have stated there. 11:52:21

12 Q And was that your normal consulting rate in 11:52:25

13 2019? 11:52:37

14 A I don't recall my rates I was charging at 11:52:37

15 that time and I can't -- sometimes the rates that 11:52:39

16 are in here are because there is a third-party 11:52:41

17 entity that gets involved. 11:52:50

18 I don't remember what was involved here, if 11:52:52

19 that was my direct rate or that was the rate that 11:52:55

20 was paid to the third party. 11:52:57

21 Q But it is your testimony in 2019 in the 11:53:02

22 declaration, that you were being compensated at a 11:53:09

23 rate of 225 an hour, correct? 11:53:11

24 A Yes, that is the line that was in there, 11:53:13

25 yes. 11:53:17

1 Q And that was the normal rate that you were 11:53:18  
2 being compensated at in 2019 for this type of work 11:53:21  
3 at least? 11:53:25

4 A That was the rate that was charged for that 11:53:26  
5 case, yes. 11:53:28

6 Q And do you have different rates for 11:53:30  
7 different cases? 11:53:33

8 A Sometimes it gets involved because there is 11:53:33  
9 a third-party entity that legal firms use, so 11:53:40  
10 sometimes I will drop my rate knowing that there is 11:53:44  
11 a third party intermediate rate there that takes a 11:53:47  
12 cut of the action. 11:53:52

13 Q Let's look at another example. This is 11:53:53  
14 Patent Owner's Exhibit 2102. Do you see this on the 11:53:59  
15 screen? 11:54:04

16 MR. RONDINI: I make the same objection I 11:54:04  
17 made to the last one. It wasn't an exhibit you 11:54:06  
18 provided in your deposition notice nor is it part 11:54:08  
19 of this proceeding. It is outside the scope. 11:54:11

20 BY MR. THOMAS: 11:54:13

21 Q Do you recognize this document, Mr. Prairie? 11:54:13

22 A Yes, it is the document that I see on your 11:54:19  
23 screen there, the declaration in another case I 11:54:21  
24 worked on. 11:54:24

25 Q And at the end of this document, that's your 11:54:24

1 signature reflecting that you signed this 11:54:27  
2 declaration in October 2023, correct? 11:54:30  
3 A Yes, that appears to be my signature dated 11:54:35  
4 October 10th of 2023. 11:54:37  
5 Q Now, on Page 1 of Exhibit 2102, this says, 11:54:45  
6 "I am being compensated at my typical rate of \$325 11:54:51  
7 per hour for the time I spent on this matter." Do 11:54:55  
8 you see that? 11:54:58  
9 A Yes, I see the line that you are referring 11:54:58  
10 to. 11:55:02  
11 Q And was that your typical rate around 11:55:02  
12 October 2023 for work of this type? 11:55:06  
13 MR. RONDINI: Objection, relevancy. 11:55:11  
14 A This case I know for a fact there was a 11:55:13  
15 third-party intermediary that was charging the 11:55:15  
16 client that amount for administrative fees as well. 11:55:17  
17 BY MR. THOMAS: 11:55:21  
18 Q So were you being compensated at a rate of 11:55:21  
19 \$325 an hour, or as the testimony says here, is that 11:55:25  
20 not -- strike that question. 11:55:30  
21 How much were you being compensated per hour 11:55:32  
22 for your work on the declaration shown in Exhibit 11:55:39  
23 2102? 11:55:43  
24 A I don't remember the exact amount but it was 11:55:44  
25 dramatically less than that amount. The third-party 11:55:48

1 firms often take a fair size cut of the action. 11:55:50

2 Q But that's not what your testimony was at 11:55:53  
3 that time, was it? 11:55:55

4 MR. RONDINI: Objection, misstates 11:55:56  
5 testimony. 11:55:57

6 A I've been told that's typical of what's done 11:55:59  
7 in these situations, is that is the rate that the 11:56:01  
8 attorneys pay, not what the person actually takes 11:56:04  
9 home. 11:56:06

10 Q But your testimony in this declaration 11:56:07  
11 doesn't say, I am charging \$325 an hour for your 11:56:14  
12 time, does it? 11:56:18

13 MR. RONDINI: Objection. 11:56:23

14 A I was told that is ordinary, that is the 11:56:25  
15 typical process is what is done in the industry. So 11:56:27  
16 I am just letting you know that yes, that's the rate 11:56:31  
17 that was in there, that's the rate that the firm 11:56:33  
18 paid. But that's not the rate that I actually took 11:56:35  
19 home in that particular case. 11:56:38

20 Q So when you wrote in your declaration, "I am 11:56:39  
21 being compensated at my typical rate," you weren't 11:56:45  
22 referring to what you were being compensated at? 11:56:49

23 MR. RONDINI: Asked and answered. 11:56:54

24 A A typical rate for that course, like in any 11:56:56  
25 business operation there is overhead, and I am just 11:56:59

1 letting you know that that third-party entity is 11:57:01  
2 considered, I would consider that an overhead for 11:57:04  
3 this particular case. 11:57:06  
4 BY MR. THOMAS: 11:57:07  
5 Q Do you recall what you were being, what you 11:57:07  
6 were taking home for that case? 11:57:09  
7 A I do not, sir. 11:57:11  
8 Q What is your rate for these cases, these two 11:57:19  
9 cases we are discussing today? 11:57:26  
10 MR. RONDINI: Objection, calls for 11:57:30  
11 speculation. 11:57:32  
12 A It is probably in this document. Is it 11:57:45  
13 published? 11:57:47  
14 BY MR. THOMAS:  
15 Q If it would help refresh your memory, you 11:57:50  
16 might look at '682 declaration Page 17. 11:57:52  
17 A So, yes, on this particular case I am 11:58:01  
18 getting compensated for my work on this matter at a 11:58:03  
19 rate of \$150 per hour for my work, but my opinions 11:58:05  
20 are based on my views, the patent technology and 11:58:09  
21 prior art. 11:58:12  
22 Q Given the testimony that you just gave about 11:58:12  
23 the other two declarations, can you explain what you 11:58:14  
24 mean by, "I am being compensated for my work"? 11:58:17  
25 A This one is a direct bill rate. There is no 11:58:20

1 third-party intermediary in this one. 11:58:27

2 Q So let's turn to the '771 declaration, and 11:58:36

3 since you have it in your binder, I am going to have 11:58:46

4 you use that instead of sharing on the screen. And 11:58:48

5 let's go to Page 160. Actually, is that right? 11:59:00

6 Yes. Okay. Page 160, Paragraph 304, or the space 11:59:10

7 between 303 and 304. Let me know when you are 11:59:18

8 there. 11:59:25

9 A I am on Page 160 of the '771 declaration. 11:59:29

10 Q So this is your testimony about the Rolicki 11:59:33

11 ground of unpatentability for the '771 patent, and 11:59:37

12 you have laid out the language of what's referred to 11:59:41

13 as Element 1.4 just above Paragraph 304, right? 11:59:44

14 A Yes, I see the Paragraph 304 and claim 11:59:51

15 language 1.4 which is right above it. 11:59:56

16 Q In Paragraph 311 you state that, "Rolicki 11:59:59

17 discloses that the first seat is connectable to the 12:00:06

18 frame in either a forward or backward facing 12:00:09

19 position to form the single seat configuration and 12:00:12

20 thus meets one of the claimed alternatives." Do you 12:00:15

21 see that testimony? 12:00:18

22 A I see the Paragraph 311 that you are 12:00:19

23 referring to. 12:00:25

24 Q And you have emphasized the word "either" in 12:00:26

25 both italics and bold, I think; is that correct? 12:00:29

1	A	Yes, I am sure bold and could be italicized.	12:00:32
2	Q	Why did you add that emphasis?	12:00:39
3		MR. RONDINI: Objection, vague.	12:00:44
4	A	1.4 says it is either in a forward or	12:00:50
5		backward facing, so it can be, doesn't have to be	12:00:53
6		both. It is not an "and" statement, it is an	12:00:57
7		"either" statement.	12:01:00
8	Q	And so when you say, "Rolicki meets one of	12:01:02
9		the claimed alternatives," it is because it does,	12:01:05
10		because Rolicki discloses the forward configuration?	12:01:09
11		That's your opinion, right?	12:01:13
12		MR. RONDINI: Objection, form, vague.	12:01:14
13	A	I state that Rolicki discloses this claim	12:01:21
14		term, and I highlight that in terms of that it	12:01:25
15		doesn't have to be in a forward and, it is an	12:01:30
16		"either," so it is either forward or either, or	12:01:33
17		backwards, so.	12:01:37
18	Q	And you agree that Rolicki does not disclose	12:01:38
19		that its seat is connectable in a backward	12:01:41
20		configuration, correct?	12:01:45
21		MR. RONDINI: Objection, misstates	12:01:46
22		testimony.	12:01:47
23	A	Let me reference Rolicki here. The figures	12:01:59
24		in Rolicki show a forward condition, and ultimately	12:02:26
25		that meets the claim term of 1.4 there.	12:02:30

1 BY MR. THOMAS: 12:02:34

2 Q And Rolicki does not show the seats in a 12:02:34

3 backward configuration? 12:02:41

4 A It doesn't need to to meet that claim. 12:02:44

5 Q I didn't ask whether you believe it needs 12:02:46

6 to. I asked whether it does. And it does not, 12:02:49

7 correct? 12:02:52

8 MR. RONDINI: Objection, misstates 12:03:03

9 testimony. 12:03:04

10 A Well, I am stating that it meets this claim 12:03:06

11 term and that can be a forward or backward facing 12:03:09

12 position. 12:03:12

13 BY MR. THOMAS: 12:03:19

14 Q If Rolicki had disclosed the first seat 12:03:19

15 being connectable in the backward configuration 12:03:26

16 also, you would have mentioned it, right? 12:03:29

17 MR. RONDINI: Objection. 12:03:32

18 A What I am stating is that the Rolicki meets 12:03:37

19 this claim term because the claim term says either 12:03:39

20 forward or backward. And Rolicki discloses, meets 12:03:43

21 the claim term as it is stated. 12:03:47

22 Q Assume, I am going to ask you to make an 12:03:55

23 assumption, okay? Can you do that? 12:03:59

24 A Okay, go ahead and ask your question, Mr. 12:04:00

25 Thomas. 12:04:07

1 Q Assume that the claim does require the seat 12:04:07  
2 to be reversible and connectable in a backward 12:04:12  
3 configuration also, okay? Can you make that 12:04:17  
4 assumption? 12:04:19  
5 A That's not the situation at hand, though, it 12:04:20  
6 doesn't state that. 12:04:24  
7 Q I didn't ask your opinion about the 12:04:25  
8 situation at hand. I am asking you to assume that. 12:04:27  
9 Can you do that as an expert and being in this 12:04:30  
10 proceeding? Can you make an assumption, and then 12:04:36  
11 let me ask you a question based on the assumption? 12:04:38  
12 MR. RONDINI: I object to form. 12:04:41  
13 A Possibly. We will see what your question 12:04:43  
14 is. 12:04:44  
15 BY MR. THOMAS: 12:04:45  
16 Q Assuming the claim requires a reversible 12:04:45  
17 seat, then Rolicki itself does not disclose a seat 12:04:51  
18 that is that is connectable in a forward 12:04:57  
19 configuration and connectable a backward 12:04:59  
20 configuration, correct? 12:05:02  
21 MR. RONDINI: Objection, misstates 12:05:03  
22 declaration, misstates testimony. 12:05:05  
23 A Yes, I am not quite understanding your 12:05:08  
24 question. I am hearing the words you are saying, 12:05:09  
25 Mr. Thomas, but I am not quite fully understanding 12:05:11

1 the assumption you are making in the question at 12:05:13  
2 hand. 12:05:16

3 Q You were very particular about the fact that 12:05:16  
4 this, that the claim is either/or, it is an 12:05:18  
5 alternative about being forward and backward facing, 12:05:23  
6 right? 12:05:27

7 A Yes, that was one, that was a situation that 12:05:30  
8 was stated in my declaration, yes. 12:05:32

9 Q And in other grounds, some of the references 12:05:34  
10 you have testified do face forward, the seats face 12:05:39  
11 forward and face backward, right? 12:05:42

12 MR. RONDINI: Objection, vague, foundation. 12:05:45

13 A One thing, if you read further on in my 12:05:48  
14 declaration, Paragraph 312, continuing on in my 12:05:51  
15 discussion in that same section, so Paragraph 312 12:06:04  
16 talks about that at that point in time that a POSITA 12:06:09  
17 would understand that outside of what Rolicki 12:06:15  
18 discloses, a POSITA would understand that you could 12:06:17  
19 flip a seat forward or backward. 12:06:19

20 So the teachings of Rolicki combined with 12:06:22  
21 the knowledge of a POSITA, an alternative 12:06:27  
22 configuration would meet both situations. 12:06:32

23 Q And you included that testimony about the 12:06:37  
24 Exhibit 1050 because Rolicki itself does not show a 12:06:42  
25 backward configuration of the seat, correct? 12:06:47

1	MR. RONDINI: Objection, misstates	12:06:51
2	testimony.	12:06:52
3	A What I did state is that Rolicki meets the	12:06:55
4	term, the claim terms of a forward or backward	12:06:58
5	facing positioned seat.	12:07:02
6	BY MR. THOMAS:	12:07:18
7	Q You mention in Paragraph 312 and in your	12:07:18
8	reference to Exhibit 1050, Ground 1 of your -- go to	12:07:28
9	Page 147.	12:07:43
10	A Of which document?	12:07:46
11	Q The document that you are looking at, the	12:07:48
12	one that we are talking about for the last several	12:07:49
13	minutes.	12:07:52
14	A Okay, you just said 1050, so I was making	12:07:52
15	sure you weren't switching exhibits on me.	12:07:55
16	Q Okay, that's fair. Page 147 of your '771	12:07:57
17	patent declaration.	12:08:04
18	A Okay, yes.	12:08:06
19	Q The heading is Ground 1, "Claims 1 through	12:08:06
20	15 are obvious over US Patent Number 8,882,134	12:08:09
21	Rolicki." Right?	12:08:16
22	A Yes, I concur that's what the words are in	12:08:18
23	my declaration.	12:08:23
24	Q And you did not denominate Ground 1 as	12:08:24
25	obvious over Rolicki and Thomas, did you?	12:08:28

1	A	So now you are just discussing, just to make	12:08:33
2		sure, just Claim 1? Is that what you are referring	12:08:40
3		to right now?	12:08:43
4	Q	Ground 1, Claims 1 through 15. That's what	12:08:43
5		your declaration says. And Ground 1 is not obvious	12:08:48
6		over Rolicki and another reference, is it?	12:08:50
7	A	Ground 1 is, I am making sure it is just	12:08:54
8		over Rolicki itself.	12:09:02
9	Q	Do you have Exhibit 1011 in your binder?	12:09:06
10	A	Which one is that? They are not all in	12:09:13
11		sequence so I don't know which one you are referring	12:09:18
12		to.	12:09:19
13	Q	That is the '771 patent, so I think you said	12:09:20
14		you do have that?	12:09:24
15	A	Yes, I do have that one in front of me. I	12:09:24
16		do have that available.	12:09:27
17	Q	So the '771 patent does disclose that the	12:09:28
18		first seat closer to the handle is itself	12:09:31
19		reversible, correct?	12:09:34
20		MR. RONDINI: Objection, foundation.	12:09:36
21		MR. THOMAS: The objection is not	12:09:42
22		well-taken, given his testimony about, extensive	12:09:43
23		testimony about the '771 patent.	12:09:46
24		MR. RONDINI: You just opened up a new	12:09:48
25		exhibit and you asked him generally about an	12:09:50

1 exhibit. 12:09:52

2 MR. THOMAS: The patent that he has 12:09:53

3 submitted hundreds of pages of testimony about, 12:09:55

4 yes. 12:09:57

5 BY MR. THOMAS: 12:09:58

6 Q Mr. Prairie, the '771 patent does disclose 12:09:58

7 that the first seat is itself reversible, correct? 12:10:01

8 A Are you referring to a specific claim or 12:10:05

9 what are you referring to? 12:10:11

10 Q I am asking about the '771 patent. Does it 12:10:11

11 disclose that the first seat closer to the handle is 12:10:14

12 itself reversible? 12:10:17

13 MR. RONDINI: Objection, vague. 12:10:20

14 A Are you asking about a specific claim term 12:10:28

15 or the embodiment, or what are you referring to? 12:10:30

16 BY MR. THOMAS: 12:10:33

17 Q Since you can't answer that question, I will 12:10:33

18 ask you to turn to Page 9 of Exhibit 1011, the '771 12:10:35

19 patent, sheet 7 of 18. 12:10:40

20 A Which exhibit are you referring to? 12:10:46

21 Q Exhibit 1011, the '771 patent. 12:10:50

22 A Okay. 12:10:55

23 Q Page 9. 12:10:56

24 A I don't have page numbers on mine, sorry. 12:10:58

25 Mine's just got -- 12:11:00

1 Q Sheet, Sheet 7 of 18. 12:11:01

2 A What's on that page, I have to count it. I 12:11:08

3 don't have page numbers on this one in front of me. 12:11:10

4 Q Figures 8C and 8D. 12:11:12

5 A I want to make sure, since you are not 12:11:18

6 displaying on the screen, I don't want you to ask 12:11:22

7 questions about something, making sure we are having 12:11:22

8 differences on. 12:11:25

9 Q Do you the figure page with Figure 8C and 12:11:25

10 8D? 12:11:29

11 A I see Figures 8C and 8D. 12:11:29

12 Q Do you see right above 8C it says Sheet 7 of 12:11:32

13 18? 12:11:36

14 A Okay, yes, this one is labeled on top. The 12:11:40

15 rest of the embodiment is not. So yes, the images 12:11:43

16 are, okay, the pages, the context was not numbered. 12:11:47

17 Yes, I see 7 of 8 on top of there. 12:11:50

18 Q So Figures 8C and 8D expressly show that the 12:11:52

19 first seat is itself reversible, correct? 12:11:56

20 MR. RONDINI: Objection as to first seat. 12:12:03

21 A I've got Figure 8C in front of me. Could 12:12:08

22 you -- there are some seats in there. I would have 12:12:15

23 to look to see what 85 and 86 specifically call out. 12:12:17

24 Q The seat 86 in 8C is facing backwards, 12:12:22

25 right? 12:12:26

1	A	They call them stroller seats, so 85 are	12:12:27
2		stroller seats.	12:12:36
3	Q	Can you answer the question?	12:12:38
4	A	I am looking up the numbers because it is	12:12:39
5		important to identify what you are referring to.	12:12:44
6	Q	I don't want you to look up numbers just	12:12:46
7		yet. Let's just focus on the figure, because this	12:12:49
8		is not a very hard thing. Do you see a seat in the	12:12:51
9		Figure 8C?	12:12:54
10	A	I see Item No. 85 is labeled as stroller	12:12:56
11		seats and 86 is labeled as a stroller seat.	12:13:01
12	Q	So can you answer the question that I asked?	12:13:08
13		Do you remember what it was? Do I need to repeat	12:13:14
14		it?	12:13:16
15	A	Yes, it is long enough ago you need to	12:13:16
16		repeat your question again.	12:13:20
17	Q	The seat 86 in 8C is facing backwards,	12:13:21
18		right?	12:13:25
19	A	In this particular embodiment, it would be	12:13:25
20		considered forwards.	12:13:32
21	Q	Forward is toward which, is toward the front	12:13:35
22		wheel or the back wheel?	12:13:39
23	A	I don't know, that's why I am asking what	12:13:41
24		you are referring to as.	12:13:45
25	Q	What do you refer to it as in your	12:13:50

1 testimony? Do you know? 12:13:53

2 A For this particular Figure 8C, no, I don't. 12:13:57

3 Q I will ask the question a little bit 12:14:09

4 differently. The seat 86 in figure 8C is facing 12:14:13

5 toward the handle, correct? 12:14:18

6 A There's no handle identified in this figure. 12:14:19

7 Q Are you able to recognize a handle in the 12:14:30

8 figure? 12:14:34

9 A The term "handle" varies across these patent 12:14:35

10 families, so I am just making sure what is handle 12:14:41

11 identified in this particular context. 12:14:43

12 Q Let's try again since -- okay. 12:14:45

13 Can you assume for a moment that the forward 12:14:48

14 direction of a stroller is towards the front wheels 12:14:54

15 and the direction of which a parent would be walking 12:15:00

16 forward while holding onto the stroller and pushing 12:15:03

17 it? Does that make sense? 12:15:06

18 A So in Figure 8C, you are saying that the 12:15:07

19 left side is forward facing? 12:15:10

20 Q That would be a way to put it. So can we 12:15:14

21 agree that the towards the left is forward facing, 12:15:16

22 the left side of that stroller is forward facing? 12:15:20

23 Does that work for you? 12:15:23

24 A In the context of 8C, if you are saying that 12:15:26

25 that is forward facing, okay, that gives me a 12:15:27

1 forward and reverse connotation. 12:15:31

2 Q So what would the reverse connotation be, 12:15:31

3 then? 12:15:34

4 A I guess it was forwards and backwards. 12:15:34

5 Q And what would backwards be if, compared to 12:15:41

6 what you just said was forward? 12:15:45

7 A To the right side of the paper. 12:15:46

8 Q So now we can answer the question. What 12:15:52

9 direction is -- sorry, strike that. 12:15:56

10 So now we can answer the question: The seat 12:15:59

11 86 in Figure 8C is facing backwards, correct? 12:16:03

12 A Based on the picture itself, it appears that 12:16:06

13 seat 86 is facing a backward direction towards the 12:16:14

14 right side of the paper. 12:16:18

15 Q And using that same definition of, same 12:16:19

16 understanding of forward and backward, the seat 86 12:16:23

17 in Figure 8D is facing forward, isn't it? 12:16:27

18 A I can't fully see because part of the seat 12:16:32

19 is covered up. So it is hard, can't fully see that. 12:16:44

20 So I would have to read through on 8D, what it 12:16:49

21 states there. 12:16:53

22 Q Mr. Prairie, are you telling me that after 12:16:53

23 spending hundreds of pages talking about these 12:16:56

24 patents and this prior art, that you cannot answer a 12:17:01

25 simple question of whether the seat 86 in Figure 8D 12:17:05

1 is facing forward, according to the forward-backward 12:17:10  
2 definitions that you just proposed, without going 12:17:13  
3 and looking at the specification and reading it? 12:17:17

4 A I just want to make sure I have a general 12:17:19  
5 opinion that this is looking at. I have not looked 12:17:25  
6 at Figure 8D in a bit. I wanted to look at 8D and 12:17:28  
7 just understand what they are talking about in 12:17:32  
8 Figure 8D, that's all. 12:17:32

9 Q If you can't answer the question without 12:17:36  
10 doing that, then so be it. 12:17:38

11 MR. RONDINI: Objection, misstates 12:17:41  
12 testimony. 12:17:43

13 A You are asking me about a patent, so I just 12:17:48  
14 want to make sure I am reading through it 12:17:49  
15 referencing the situation, so. 12:17:52

16 BY MR. THOMAS: 12:17:53

17 Q And the situation is asking about forward 12:17:53  
18 versus backward facing of seats, right? That's all 12:17:56  
19 we are talking about. 12:18:02

20 A You are asking me a question and I am just 12:18:07  
21 using the reference that you have asked me to 12:18:08  
22 reference to answer a question for you. So that's 12:18:10  
23 what I am doing for you. 12:18:12

24 On the text here regards to those images, it 12:18:34  
25 doesn't really talk about a specific direction those 12:18:37

1 seats are configured. There are some, could be in a 12:18:39  
2 forward condition. There is another car seat, seat 12:18:43  
3 93. There is another seat in there as well. 12:18:48  
4 Q I didn't ask about the other seat. 12:18:50  
5 A No, and that one is still tougher to tell if 12:18:53  
6 it is forward or backward, so. 12:18:57  
7 Q You were able to tell which direction the 12:18:59  
8 seat 86 is facing in Figure 8C, right? 12:19:01  
9 A Yes, because I could see the lowers where 12:19:04  
10 the feet would be. In Figure 8D that is hidden. 12:19:08  
11 And so it is not quite as clear in regards to that. 12:19:11  
12 Q In your opinion, would a POSA reading this 12:19:15  
13 '771 patent disclosure, looking at Figure 8D be able 12:19:21  
14 to tell which direction the seat 86 is facing? 12:19:25  
15 A Like I said, 8C is definitely clear. 8D on 12:19:31  
16 its own probably not quite as much, so that's why I 12:19:36  
17 was referencing the text as well. 12:19:41  
18 Q So do you believe a POSA would be able to 12:19:48  
19 look at these two figures and identify the direction 12:19:52  
20 of the seat 86 in Figure 8D? 12:19:55  
21 A Combining the images, a POSITA would and 12:19:58  
22 probably reading the patent can definitely make some 12:20:06  
23 assumptions about how the seats are orientated. 12:20:11  
24 Q What would that -- strike that. 12:20:13  
25 Are you willing to offer an opinion as to 12:20:18

1 what direction the seat 86 is facing in Figure 8D? 12:20:22

2 A I could. I haven't, I don't believe I've 12:20:28

3 offered a direct opinion within my declaration on 12:20:33

4 that. Whenever I do those kind of direct opinions, 12:20:35

5 I usually take some time to assess the situation. 12:20:38

6 So I guess if you are asking me, I don't 12:20:41

7 recall making that direct position of '771 as of 12:20:45

8 now. And when I do those kind of things, they take 12:20:48

9 some time. If you wish, I could further study this, 12:20:51

10 but you continue to keep pushing me. 12:20:53

11 If you like a solid answer, I could do some 12:20:55

12 further analysis on that to answer the question for 12:20:58

13 you. 12:21:01

14 Q What further analysis would it take? 12:21:01

15 A I would reread -- like I said, I haven't 12:21:03

16 looked at Figure 8C and 8D in a bit, so I would have 12:21:07

17 to just, in the specific context that you had, I 12:21:11

18 would go through and read the references in more 12:21:13

19 detail. 12:21:17

20 Q Let's turn back to your declaration, the 12:21:22

21 '771 declaration. Go to Page 66, Paragraph 100 12:21:25

22 which starts on Page 65. 12:21:40

23 A We are still on the '771 declaration just to 12:21:51

24 confirm? 12:21:52

25 Q That is what I said, yes. 12:21:54



1 your declaration, correct? 12:23:47

2 A I am not synching up with what you are 12:23:48

3 reading. I am kind of in the right area, but I am 12:23:57

4 not -- something is amiss here. 12:23:59

5 Okay, there we go. So you are starting, you 12:24:04

6 are referring to Figure 3 there, right, of Paragraph 12:24:06

7 26? Is that what you just read, that whole 12:24:09

8 paragraph, is that what you read? 12:24:11

9 Q No, I did not. 12:24:13

10 A You cited Paragraph 26 and you started 12:24:16

11 reading. That's where you lost me. I don't know 12:24:18

12 where you were reading from, then. 12:24:21

13 Q Do you understand, are you on Page 66? 12:24:23

14 A Yes, of the '771 declaration. 12:24:29

15 Q And in the, you have an excerpted portion of 12:24:34

16 Exhibit 1002 on this page, correct? 12:24:38

17 A Yes. 12:24:40

18 Q And did you create this excerpt or was it 12:24:41

19 provided to you by counsel? 12:24:47

20 A Some of the graphics were assisted in 12:24:48

21 development with them. 12:24:54

22 Q Did you highlight the text in the textual 12:24:56

23 portion of this excerpt? 12:25:01

24 A I may have. I don't remember exactly. 12:25:02

25 There's a lot of pages here, so I don't remember 12:25:07

1 exactly if I highlighted. It is highlighted. I 12:25:09  
2 just don't remember if I personally highlighted the 12:25:12  
3 stuff that is highlighted. 12:25:15

4 Q Do you have an understanding of what the 12:25:15  
5 numerals at the left side of those paragraphs are? 12:25:18

6 A That's what I was just looking at, this is 12:25:21  
7 paragraph, this is a paragraph within that document, 12:25:26  
8 I believe. I would have to pull up that whole 12:25:29  
9 document to tell you for sure. 12:25:34

10 Q But you would have believed you provided an 12:25:35  
11 excerpt that was a copy of what was in there, right? 12:25:37

12 A Yes. Like I said, if you are asking what 12:25:43  
13 that number means, I am pretty sure it means 12:25:45  
14 paragraph. I would have to pull up that whole 12:25:47  
15 exhibit to tell you for sure. But it appears like 12:25:50  
16 that's identifying a paragraph number. 12:25:52

17 Q So you understand then that the bracket and 12:25:54  
18 then a number and then a closed bracket, that is a 12:25:56  
19 paragraph number of the referenced exhibit? 12:25:59

20 A Yes, that's what I would assume that would 12:26:02  
21 be. I would have to just, like I said, you asked me 12:26:04  
22 if I knew for sure with certainty. I would have to 12:26:07  
23 look at that to make sure, but it appears to me the 12:26:09  
24 way that's formatted would be a paragraph number. 12:26:12

25 Q And at the bottom of the referenced 12:26:15

1 Paragraph 26 of Exhibit 1002, the last sentence 12:26:28  
2 discloses that, "The seat attachment element of the 12:26:33  
3 attachment may be capable of supporting the front 12:26:37  
4 stroller seat in either a forward or backward 12:26:40  
5 position." Correct? 12:26:43  
6 A Yes, it looks like Figure 3 there, it says, 12:26:48  
7 "Per the seat attachment element of the attachment 12:26:53  
8 may be capable of supporting the front stroller seat 12:26:55  
9 in either a forward or backward position." 12:26:58  
10 When you hit a line of point, I need a bio 12:27:18  
11 break here, so when you are at a point of break, let 12:27:21  
12 me know. 12:27:23  
13 MR. THOMAS: We can take a break. We can go 12:27:24  
14 off the record. 12:27:27  
15 (At 12:27 p.m., a recess was taken for eight 12:28:38  
16 minutes.) 12:28:40  
17 BY MR. THOMAS: 12:36:02  
18 Q So let's, I am going to switch to the '682 12:36:03  
19 declaration. 12:36:21  
20 MR. RONDINI: What page are you referring to 12:36:27  
21 or going to be going to? 12:36:29  
22 Q You have offered testimony about the 12:36:59  
23 priority date of the claims. Do you recall that? 12:37:03  
24 A Yes, I have had discussion in there about 12:37:08  
25 that. 12:37:11

1 Q And your opinion is that there is no housing 12:37:14  
2 as recited in the claims of the '682 patent that is 12:37:25  
3 disclosed before the 2016 application, correct? 12:37:30  
4 MR. RONDINI: Objection, vague. 12:37:37  
5 A You made a statement, Mr. Thomas. Is that a 12:37:44  
6 question in there? 12:37:48  
7 BY MR. THOMAS: 12:37:49  
8 Q Yes, the question: Is that correct? 12:37:49  
9 A Is what correct? 12:37:53  
10 Q Your opinion is that there is no housing as 12:37:57  
11 recited in the claims of the '682 patent that is 12:38:00  
12 disclosed before the 2016 application, correct? 12:38:04  
13 A So if you go to Page 120 of my '682 12:38:07  
14 declaration, I have some discussion around that 12:38:27  
15 topic. 12:38:31  
16 Q Continue. Are you finished with your 12:38:37  
17 answer? 12:38:40  
18 A No, I was just getting you to go there just 12:38:40  
19 so you knew what I was talking about for the record. 12:38:43  
20 So in that particular section, I have some 12:38:46  
21 discussion around when that topic was introduced and 12:38:50  
22 the claim language, and from my assessment, the 12:38:53  
23 second provisional and ultimately the 305 CIP which 12:38:58  
24 are the '682 references, is where that "see 12:39:05  
25 attachment" and the housing was introduced. 12:39:08

1 Q And so it is your opinion that there is no 12:39:14  
2 seat attachment housing disclosed in any of the 12:39:17  
3 priority documents before the 2016 CIP application? 12:39:21

4 A It was my understanding that the three new 12:39:26  
5 inventors in the second provisional introduced the 12:39:32  
6 seat attachment and seat adapter housing terminology 12:39:37  
7 through the second provisional. So from a housing, 12:39:40  
8 I don't believe that terminology was used prior to 12:39:44  
9 that. 12:39:47

10 Q Isn't a housing just a structural element 12:39:51  
11 that allows insertion or connection to the seat 12:39:57  
12 attachment adapter? 12:40:00

13 MR. RONDINI: Objection, vague. 12:40:03

14 A I don't believe the term "housing" was, had 12:40:07  
15 a formal definition. It is an English language 12:40:11  
16 definition and it could mean different things in 12:40:15  
17 different contexts. 12:40:17

18 BY MR. THOMAS: 12:40:18

19 Q But in the context of these patents, 12:40:18  
20 wouldn't a POSA recognize that a structural element 12:40:21  
21 that allows insertion or connects connection to a 12:40:25  
22 seat attachment adapter is a housing? 12:40:27

23 MR. RONDINI: Objection, vague. 12:40:30

24 A Not necessarily, no. 12:40:34

25 BY MR. THOMAS: 12:40:37

1 Q Why not? 12:40:38

2 A Housing sometimes usually houses something. 12:40:38

3 It is often used for like a transmission housing or 12:40:47

4 something like that. So not that it can't be used 12:40:50

5 elsewhere, it is just not typical use of the word 12:40:53

6 housing. 12:40:57

7 Q But I said not in the context of a 12:40:59

8 transmission housing like you just referenced in 12:41:02

9 your answer, but in my question I asked in the 12:41:05

10 context of these patents, wouldn't a POSA recognize 12:41:08

11 that a structural element that allows insertion or 12:41:11

12 connection to a seat attachment adapter is a 12:41:14

13 housing? 12:41:18

14 MR. RONDINI: Objection, vague, form. 12:41:18

15 A Yes, I wouldn't necessarily make that 12:41:25

16 assessment. Like I said, it is the second inventors 12:41:26

17 that felt like, I mean, apparently they must not 12:41:30

18 have thought it was there because it is a part of 12:41:32

19 their second provisional in the CIP and the claim 12:41:34

20 language. If it was there before, why wasn't it 12:41:38

21 claimed before? 12:41:41

22 BY MR. THOMAS:

23 Q Do you believe that a patent applicant is 12:41:44

24 required to claim every feature and embodiment of, 12:41:49

25 that's disclosed in the specification or the figures 12:41:55

1 in earlier patent applications? 12:41:58

2 MR. RONDINI: Objection, form, calls for a 12:42:02  
3 legal conclusion. 12:42:03

4 A What I can say is that it is very evident 12:42:06  
5 that these three new inventors that came after 12:42:10  
6 Zehfuss felt it was important enough to make it part 12:42:13  
7 of their second provisional. So they must have felt 12:42:16  
8 that there was something missing. If they felt it 12:42:20  
9 was there, then why did they add it? 12:42:23

10 So it was added in their second provisional 12:42:25  
11 and ultimately made it to the '305 CIP and then 12:42:28  
12 ultimately further down the patent tree family. And 12:42:33  
13 so if they felt it was there, then why did they add 12:42:35  
14 additional claim language if it was claimed or 12:42:38  
15 disclosed? 12:42:40

16 So it is my opinion, because they put extra 12:42:41  
17 effort into talking about it, that, and defining it, 12:42:44  
18 that they felt it needed definition. 12:42:47

19 Q Is it your opinion that one has to provide 12:42:53  
20 the description or -- strike that. 12:42:56

21 Is it your opinion that an inventor or 12:43:03  
22 applicant would have to define the term or write 12:43:12  
23 about it in a specification to be able to, for a 12:43:16  
24 POSA to be able to recognize a housing element? 12:43:20

25 MR. RONDINI: Objection, form, calls for a 12:43:24

1 legal conclusion. 12:43:26

2 A You are giving a very broad statement. Like 12:43:29

3 I said, when it comes to patent law and some of 12:43:32

4 this, I've been trained, you have to look at the 12:43:34

5 specifics. And so I made my assessment based on the 12:43:36

6 specifics in this particular case. 12:43:40

7 BY MR. THOMAS: 12:43:48

8 Q Did your opinion, based on the specifics, 12:43:48

9 include looking at the figures in the pre2016 12:43:52

10 priority documents and file histories? 12:44:00

11 MR. RONDINI: Same objection. 12:44:04

12 A For which, I mean, I referenced images and 12:44:06

13 figures, but for what specific topic are you 12:44:09

14 referring to, Mr. Thomas? 12:44:11

15 Q The seat attachment housing, housing for a 12:44:14

16 seat attachment. 12:44:19

17 A In this particular case, the second 12:44:21

18 provisional called it out specifically, I mean. So 12:44:23

19 it called out the items and then, you know, whether 12:44:28

20 they were labels so the figures would be associated 12:44:32

21 with that so associated figures they identify -- so 12:44:34

22 the figures would go with their description. 12:44:38

23 So in this particular case the text and 12:44:40

24 figures together disclose what they are talking 12:44:43

25 about. 12:44:47

1 Q But is it necessary to have the text call it 12:44:48  
2 out specifically to be able to recognize a housing? 12:44:55  
3 MR. RONDINI: Objection, form, objection, 12:45:01  
4 vague as to housing and calls for a legal 12:45:03  
5 conclusion. 12:45:06  
6 A Again, what I can tell you is the assessment 12:45:08  
7 I made on this particular situation was based on the 12:45:11  
8 three new inventors adding seat attachment housings 12:45:17  
9 to the second provisional. So I didn't have to make 12:45:22  
10 conjecture about that, they put it in themselves. 12:45:27  
11 They did that. This is their words, their words 12:45:29  
12 referencing their figures. 12:45:33  
13 If they felt Zehfuss had already disclosed 12:45:33  
14 it, then why did they feel they had to disclose it 12:45:37  
15 again? 12:45:40  
16 BY MR. THOMAS:  
17 Q Do you recall that there are embodiments of 12:45:44  
18 the seat attachment housing disclosed in that 2016 12:45:48  
19 application that include a door at the top of the 12:45:53  
20 housing? 12:45:57  
21 MR. RONDINI: Objection, vague, foundation. 12:45:58  
22 A Can you point me to the image that you are 12:46:02  
23 referring to? 12:46:04  
24 Q Let's go to Page 86. Let's see if you got 12:46:18  
25 any figures in there. Pull up the '771 patent -- 12:46:25

1	sorry, not the '771, the '678 patent.	12:46:39
2	MR. RONDINI: You mean the '682?	12:46:47
3	MR. THOMAS: Thank you. Yes, the '682	12:46:49
4	patent.	12:46:51
5	MR. RONDINI: Are you saying the patent or	12:46:54
6	the declaration?	12:46:55
7	MR. THOMAS: The patent, Exhibit 1010.	12:46:56
8	A All right, I have Exhibit 1010 in front of	12:47:04
9	me.	12:47:07
10	BY MR. THOMAS:	12:47:07
11	Q If you go to Figures 11 and 12.	12:47:07
12	A I have Figures 11 and 12 in front of me.	12:47:24
13	Q You have seen these figures before?	12:47:29
14	A Yes, I have.	12:47:30
15	Q Do you recognize that that's part of the new	12:47:31
16	figures or new disclosure that was added in the 2016	12:47:36
17	application?	12:47:42
18	A Yes, that this was part of the second, these	12:47:43
19	materials were introduced at a later time. I	12:47:47
20	believe it was the second provisional.	12:47:51
21	Q If we go to Column 13 of this patent.	12:47:53
22	A Okay, I am at Column 13.	12:48:06
23	Q Around Line 57 or so towards the bottom	12:48:08
24	talks about a sliding door, 1135. Do you see that?	12:48:13
25	A Yes, I see you are referencing sliding door,	12:48:19

1 1135. 12:48:25

2 Q And so this door on the seat attachment 12:48:26  
3 housing, that's part of the new disclosure that was 12:48:30  
4 included in the 2016 application also, correct? 12:48:33

5 A That element is, that 1135 I believe is new. 12:48:38  
6 It is definitely a different number. I don't 12:48:50  
7 remember if it was called out before or not. 12:48:52

8 Q There is no door shown on a housing in the 12:48:56  
9 earlier applications, right? 12:48:58

10 MR. RONDINI: Objection, vague, misstates 12:49:00  
11 testimony, misstates declaration, misstates 12:49:03  
12 document. 12:49:06

13 A It looks like a sliding door -- 12:49:09

14 Q I wish -- 12:49:10

15 A 1135 is pointing to Figure 11 which is new 12:49:10  
16 material. 12:49:16

17 Q The '682 patent has some old material as 12:49:22  
18 well, right? 12:49:29

19 MR. RONDINI: Objection, vague. 12:49:34

20 A Yes, what do you mean by old? 12:49:36

21 Q We just talked about some stuff that is new, 12:49:38  
22 right? It was added, new disclosure, right? 12:49:40

23 A Yes. 12:49:44

24 Q And then there's stuff that is not added, 12:49:44  
25 that is old disclosure that existed in the 12:49:47

1 applications before the 2016 application, right? 12:49:50

2 A So you are talking about the original, the 12:49:53

3 original patent, the '869 patent, is that what you 12:50:02

4 are referring to? 12:50:06

5 Q Any of those patents or applications before 12:50:06

6 the 2016 application, there is other content within 12:50:08

7 this patent document that was disclosed before 2016, 12:50:16

8 like the stroller with a seat attachment? 12:50:23

9 MR. RONDINI: Objection, vague. 12:50:27

10 A This whole patent family has had stuff added 12:50:33

11 and subtracted and removed and inventors added and 12:50:36

12 inventors removed along the way. So you have to be 12:50:40

13 more specific as to which patent at which point in 12:50:42

14 time you are referring to and which claims even you 12:50:44

15 are referring to. 12:50:49

16 BY MR. THOMAS: 12:50:51

17 Q I'm not asking about the claims with you 12:50:51

18 right now. I am asking about the disclosure. There 12:50:53

19 are disclosures of embodiments that are in the 2009 12:50:55

20 non-provisional that are also in the 2016 CIP 12:51:01

21 application, right? 12:51:05

22 MR. RONDINI: Objection, vague. 12:51:08

23 A Like I said, it is a continuation in part 12:51:14

24 type patent areas, and so there's, and stuff is 12:51:19

25 introduced at different points in time, I will leave 12:51:25

1 it at that, which takes difference forms. 12:51:28  
2 BY MR. THOMAS: 12:51:30  
3 Q Which means that some stuff was introduced 12:51:30  
4 before 2016? 12:51:33  
5 A Like I said, we would have to go through, 12:51:34  
6 like I said, I gave a partial, I gave a couple of 12:51:43  
7 things that I thought were introduced. If you are 12:51:46  
8 talking specifically on the '682, we have to go 12:51:50  
9 claim by claim and assess it and prior disclosure. 12:51:53  
10 Q So let's go to Page, let's turn back to your 12:51:59  
11 '682 patent declaration. 12:52:08  
12 A So the declaration now, is that where you 12:52:11  
13 are going to? 12:52:14  
14 Q Yes, the declaration, and let's go to Page 12:52:15  
15 115. This is the section at the bottom there, it 12:52:19  
16 begins the Section VII, Priority of the '682 Patent. 12:52:30  
17 A You are on Page 115 of Exhibit 1001? 12:52:39  
18 Q Yes. 12:52:43  
19 A Okay. 12:52:43  
20 Q In this section you explain your opinions as 12:52:44  
21 to why the claims, the challenged claims of the '682 12:52:51  
22 patent are not entitled to a priority date before 12:52:57  
23 2016, right? 12:53:01  
24 A Yes, within this section, the page 12:53:01  
25 identified within that section talking about -- I 12:53:18

1 apologize, I am in the '771. Let me go back. 12:53:21

2 Q You got a similar section in both? 12:53:26

3 A I did. Go to '682. I want to make sure we 12:53:30

4 are referencing the same document. There are 12:53:33

5 similarities in there, but that's why I got to make 12:53:35

6 sure I am referencing what you are saying. 12:53:39

7 So you are back at the '682, and what page 12:53:41

8 in that again? 12:53:43

9 Q Page 115, the bottom of 115 begins the 12:53:44

10 section, Priority of the '682 Patent. This presents 12:53:47

11 your analysis and opinions as to priority of the 12:53:58

12 '682 patent, right? 12:54:01

13 A Yes, just give me a second to read through 12:54:01

14 that section to make sure I can answer your question 12:54:07

15 factually. 12:54:12

16 Q Let's go to page, I can direct you to Page 12:54:12

17 118, Paragraph 187. Page 118, Paragraph 187. You 12:54:16

18 testify, "I therefore provide my analysis of Claim 1 12:54:25

19 of the '682 patent below with respect to the 12:54:28

20 limitations I do not believe are supported by the 12:54:30

21 2008 first provisional or the first non-provisional 12:54:35

22 filed in December 2009." 12:54:37

23 A Yes, I agree the words you just stated of 12:54:41

24 Paragraph 187 of my '682 declaration. 12:54:43

25 Q And I think you mentioned earlier before 12:54:49

1 that you have to examine the priority of the claim, 12:54:52  
2 you have to actually look at what the claim elements 12:54:55  
3 are, right? You didn't say it in exactly those 12:54:57  
4 words, but is that your understanding as well? 12:55:00

5 MR. RONDINI: Objection to the extent it 12:55:02  
6 misstates document or testimony. 12:55:04

7 A No, I don't remember exactly the words that 12:55:05  
8 I stated or the question that you are referring to. 12:55:08

9 Q In the subsection that is below Paragraph 12:55:22  
10 187, you offer testimony and opinions about three 12:55:34  
11 limitations that you do not believe are supported by 12:55:50  
12 the 2008 first provisional or the December 2009 12:55:55  
13 first non-provisional, correct? 12:56:01

14 MR. RONDINI: Objection to the extent it 12:56:05  
15 misstates the document. 12:56:06

16 A Within Section 7 which begins on Page 115 I 12:56:11  
17 discuss the prior to '682 patent, and there are 12:56:15  
18 three unique things in there that I focus on in 12:56:20  
19 regards to priority of the '682 patent, three unique 12:56:25  
20 topics. 12:56:29

21 Q Are those the only terms you analyzed in 12:56:33  
22 terms of the priority of the '682 patent? 12:56:38

23 MR. RONDINI: Objection to the extent it 12:56:44  
24 misstates the document. 12:56:47

25 A This particular section is focused on those 12:56:49

1 three specific things in regards to priority, the 12:56:52  
2 topic of priority. 12:56:56

3 BY MR. THOMAS: 12:57:00

4 Q And so the other things that are in Claim 1 12:57:00  
5 of the '682 patent, you have not offered any 12:57:03  
6 opinions as to their priority date and whether or 12:57:06  
7 not they are supported by the earlier filings, 12:57:12  
8 correct? 12:57:16

9 A I guess specifically this section, if you 12:57:22  
10 are talking this section uniquely, is that these are 12:57:26  
11 the three that, in terms of priority, that I feel 12:57:29  
12 are in question of, that I feel that was introduced 12:57:31  
13 by the second provisional. 12:57:37

14 Q And one of those elements is the seat 12:57:45  
15 attachment housings as described between Paragraphs 12:57:52  
16 190 and 207, correct? 12:57:56

17 A Yes, the second of those three elements is 12:58:05  
18 the seat attachment adapters coupled to a front 12:58:10  
19 wheel stroller frame or a seat attachment housing. 12:58:13

20 Q And you have done a lot of comparison 12:58:26  
21 between the second provisional and the CIP, you've 12:58:29  
22 got a table on Page 121 comparing text in the second 12:58:35  
23 provisional to the 305 CIP, right? 12:58:39

24 A Yes, because 305 was downstream of that 12:58:42  
25 family. And so just to point out that it was 12:58:48

1 introduced in the second provisional and that it 12:58:50  
2 carried through into the 305 CIP. 12:58:52

3 Q And so is it correct to say that your 12:58:57  
4 analysis is focused on comparing how new text, how 12:59:10  
5 -- strike that. 12:59:18

6 Is it correct to say that your analysis of 12:59:18  
7 the priority date as it relates to these elements is 12:59:22  
8 focused on looking at how the specification changed, 12:59:25  
9 was added or modified the description? That's how 12:59:30  
10 you were trying to determine what the priority date 12:59:33  
11 was? 12:59:36

12 MR. RONDINI: Objection, vague, calls for a 12:59:36  
13 legal conclusion. 12:59:40

14 A Ultimately, there was three new inventors. 12:59:44  
15 So the second provisional listed Lee, Roe and 12:59:48  
16 Simpson and not Zehfuss. So for the assessment, I 12:59:52  
17 had to make some determination as to, okay, what 12:59:57  
18 material did Lee -- obviously they gave a second 13:00:00  
19 provisional, so that's new material that they are 13:00:04  
20 claiming, disclosing. 13:00:06

21 So I had to make an assessment of what 13:00:08  
22 material did Lee, Roe and Simpson introduce. And 13:00:10  
23 part of that is, yes, in looking back as to the new 13:00:14  
24 documents, the second provision of the 305 CIP and 13:00:18  
25 comparing to the patent documents prior to that to 13:00:22

1 understand, what did those three new inventors 13:00:26  
2 introduce that needed a second provisional. 13:00:29  
3 So there's a combination of the text, of the 13:00:32  
4 images identifying what changed, and then through 13:00:36  
5 that assessment, could make some opinions about what 13:00:39  
6 Lee, Row and Simpson introduced or disclosed. 13:00:43  
7 Q And in addition to trying to figure out what 13:00:48  
8 those inventors may have introduced, did you also 13:00:52  
9 consider whether a POSA, understanding those claim 13:00:58  
10 terms, would have found those in the written 13:01:03  
11 description of the earlier priority documents, the 13:01:07  
12 2008 provisional or the 2009 non-provisional? 13:01:12  
13 MR. RONDINI: Objection, calls for a legal 13:01:16  
14 conclusion. 13:01:18  
15 A I looked at this as a, ultimately it is my 13:01:20  
16 position as a POSITA, so I viewed it from a POSITA 13:01:26  
17 standpoint, from the documents, the reference 13:01:29  
18 documents in making this assessment. 13:01:32  
19 BY MR. THOMAS: 13:01:45  
20 Q And the assessment that you have made is 13:01:45  
21 that a POSITA would not find a seat attachment 13:01:48  
22 housing in the 2009 non-provisional application, 13:01:55  
23 right? 13:01:58  
24 MR. RONDINI: Objection, asked and answered. 13:02:01  
25 A I make a statement in Paragraph 195 that 13:02:06

1 states, "It is my opinion a POSITA would have 13:02:10  
2 further understood that inventors Lee, Roe and 13:02:15  
3 Simpson were the investors in possession of, one, 13:02:17  
4 the housings being attached to the stroller frame, 13:02:20  
5 and two, the seat attachment adapters being coupled 13:02:23  
6 to the seat attachment housings." 13:02:25  
7 So that's the opinion that in my assessment 13:02:29  
8 that I made. And I can further, for the record, if 13:02:33  
9 you wish, I could further read, it is a multi-page 13:02:37  
10 document and we can go through. And if you like me 13:02:40  
11 to spend time, I can read through my further written 13:02:42  
12 assessment of that topic. 13:02:49  
13 Q And it is your opinion that a POSA would not 13:02:52  
14 see a structural element that allows insertion or 13:02:55  
15 connection to the seat attachment adapter in the 13:03:00  
16 2009 non-provisional, correct? 13:03:03  
17 MR. RONDINI: Objection, asked and answered. 13:03:05  
18 A I will continue on in Paragraph 196. 13:03:07  
19 BY MR. THOMAS: 13:03:10  
20 Q I am not asking you to read. I am asking 13:03:10  
21 you to answer my question. 13:03:12  
22 A The answer to your question is in my text. 13:03:14  
23 Q Which part of your text? 13:03:19  
24 A As I told you, it is a multi-page, it is a 13:03:20  
25 multi-page answer on this that sets stuff up and 13:03:26

1 talks through my process. If you want that for the 13:03:30  
2 record, I am happy to start on Paragraph 190 and 13:03:33  
3 read through that for you. 13:03:36  
4 I've given you an answer. You seem to want 13:03:38  
5 more in depth, so I could continue. 13:03:40  
6 Q If you would like to read it, then I will in 13:03:42  
7 fact move for additional time to complete our 13:03:45  
8 deposition beyond the seven hours. That would be in 13:03:47  
9 fact good cause to do it based on your obstruction 13:03:50  
10 of the deposition. So let's not fool around with 13:03:52  
11 that. 13:03:54  
12 Is it your opinion -- the bottom line 13:03:55  
13 takeaway for the seat attachment housing is that you 13:04:00  
14 don't find that and you don't think a POSA would see 13:04:03  
15 that in the 2009 non-provisional application, right? 13:04:07  
16 MR. RONDINI: Objection, asked and answered. 13:04:11  
17 A Like I said, I told you it is written here, 13:04:14  
18 so it is Paragraph -- 13:04:17  
19 Q Can you just answer yes, that's right, Mr. 13:04:19  
20 Thomas? 13:04:22  
21 A It says it. Paragraph 197, "It is my 13:04:24  
22 opinion that a POSITA would find Mr. Zehfuss did not 13:04:28  
23 invent nor was in possession." 13:04:30  
24 So Mr. Zehfuss was the original inventor, 13:04:32  
25 did not invent nor was in the possession of the 13:04:36



1 1014 shared on the screen? 13:06:29

2 A Yes, I see it, so you've got 1 of 536 pages 13:06:33

3 on the screen. 13:06:38

4 Q And you have testimony -- actually, we can 13:06:40

5 do it more simply, I think, because you got pictures 13:06:45

6 of this in your declaration. So I will stop 13:06:48

7 sharing. 13:06:51

8 You have excerpts in your declaration of the 13:06:51

9 '682 patent on Page 75 and 76, Paragraph 106. Do 13:06:57

10 you see that? 13:07:14

11 A I am on Page 75 of Exhibit 1001, just making 13:07:15

12 sure we are on the '682 declaration, right? 13:07:27

13 Q '682 declaration, and here you are 13:07:30

14 discussing the file history of the first 13:07:31

15 non-provisional application, Exhibit 1014, right? 13:07:34

16 A Yes, that looks like it is referencing the 13:07:38

17 Exhibit 1014, a small section of that huge document. 13:07:43

18 Q And these figures that you have offered some 13:07:50

19 testimony about on Page 76 labeled as Figure 10 and 13:07:58

20 Figure 11, you have seen those figures before, 13:08:01

21 correct? 13:08:04

22 A Yes, I've seen those figures before. 13:08:04

23 Q Does the Figure 10 of Page 233 and 234 of 13:08:10

24 Exhibit 1014, that discloses a structural limit that 13:08:19

25 would allow insertion or connection of a seat 13:08:24

1 attachment adapter, doesn't it? 13:08:28

2 MR. RONDINI: Objection, vague. 13:08:28

3 A Yes, I don't believe so. I would have to 13:08:32

4 look at, we are taking time to read up on that a 13:08:33

5 little bit on which one, because that is a 583-page 13:08:39

6 document and I want to see -- 13:08:43

7 Q This is also a figure in the '682 patent, 13:08:44

8 right? 13:08:47

9 A That figure has been added later. It has 13:08:48

10 been modified in terms of numbers and what things 13:08:52

11 are called. So I just want to understand the point 13:08:54

12 in time that this figure is, and what it is being 13:08:57

13 labeled as. 13:09:01

14 Q We will worry about point in time later. 13:09:01

15 That is an issue that we can talk about. But I am 13:09:04

16 just asking you, looking at the figure, would a POSA 13:09:06

17 be able to see a structural element that allows 13:09:10

18 insertion or connection of a seat attachment 13:09:13

19 adapter? 13:09:16

20 MR. RONDINI: Objection, vague, calls for a 13:09:16

21 legal conclusion. 13:09:18

22 BY MR. THOMAS: 13:09:19

23 Q What a POSA, I want to know what a POSA 13:09:19

24 would be able to recognize in this figure. 13:09:22

25 MR. RONDINI: Yes, but you are using some 13:09:24

1 term, I am guessing, that is a claim construction 13:09:26  
2 term with a bunch of language that is vague and 13:09:28  
3 calls for a legal conclusion. 13:09:31  
4 A You are using a very specific term, I guess, 13:09:34  
5 see attachment to adapter, whatever term you used, I 13:09:38  
6 guess isn't a, is kind of specific to this patent 13:09:41  
7 family. So you would have to understand, in that 13:09:44  
8 particular figure then, what is Item No. 84 labeled 13:09:50  
9 as? 13:09:54  
10 Q What does it look like its function would be 13:09:57  
11 to you? Actually, strike that. 13:10:01  
12 What does the item that you said referenced 13:10:05  
13 84 pointing to, what would a POSA looking at this 13:10:10  
14 figure understand the function of that piece to be? 13:10:14  
15 MR. RONDINI: Objection, vague. 13:10:19  
16 A Just looking at the image, not for sure. If 13:10:21  
17 it is only looking at the context of the image 13:10:26  
18 itself, I am not a hundred percent sure. We have to 13:10:29  
19 look at the context that it was written in. 13:10:31  
20 BY MR. THOMAS: 13:10:35  
21 Q How about if we just, how about we flip over 13:10:35  
22 to the '682 patent. 13:10:39  
23 A Okay. 13:10:41  
24 Q And let's go to Figure 9. 13:10:44  
25 A Okay. 13:10:58

1 Q What would a POSA understand is the function 13:10:58  
2 of that same structural element that's got three 13:11:05  
3 reference numbers coming off of it in Figure 9 of 13:11:11  
4 Exhibit 1010, what would a POSA understand the 13:11:15  
5 function of that thing is to do, looking at this 13:11:18  
6 figure? 13:11:21  
7 A You are looking at Figure 9 and what element 13:11:21  
8 again? 13:11:26  
9 Q The same element we were just talking about 13:11:27  
10 before, except in this figure it hasn't three 13:11:29  
11 reference numerals coming off of it, but it is the 13:11:32  
12 same structure, it is the same picture, right, other 13:11:34  
13 than the numerals. 13:11:37  
14 MR. RONDINI: Objection, misstates 13:11:39  
15 testimony. 13:11:40  
16 A Which element, because there are three 13:11:41  
17 numbers pointing to it, so I want to know, which 13:11:43  
18 particular one are you pointing to, which number? 13:11:46  
19 Q That whole thing, the 88, 21, 24. 13:11:48  
20 A There is no 24. 13:11:53  
21 Q 84, I apologize, 88, 21, 84. 13:11:55  
22 A 84 is identified as a seat support element. 13:12:00  
23 21 in that particular context is, let's go back and 13:12:06  
24 look at what 21 specifically refers to in this 13:12:13  
25 particular -- 13:12:16

1 Q I want to apologize. How do you know that 13:12:16  
2 84 is, you said it is a seat support element? 13:12:18  
3 A Yes, that's, you are referencing now 13:12:20  
4 specifically the '682 patent. Item 84 calls it a 13:12:24  
5 seat support element. 13:12:28  
6 Q How do you know that off the top of your 13:12:29  
7 head? 13:12:31  
8 A I went to Figure 9 and found out No. 84. 13:12:32  
9 Q And then you say you found it out. What did 13:12:38  
10 you do? Did you word search the document? Is it 13:12:40  
11 written on your document? How do you know that is 13:12:44  
12 the exact name of that element, 84? 13:12:46  
13 A Because it is listed in my patent here. It 13:12:49  
14 says -- 13:12:54  
15 Q Not on -- 13:12:54  
16 A It is in the context of the patent. 13:12:55  
17 Q So you weren't just looking at the figure, 13:12:58  
18 you were looking at the specification; is that 13:13:00  
19 correct? 13:13:03  
20 A The specification, that's what I do, because 13:13:03  
21 there is no description on there. So I have to look 13:13:05  
22 at the specification to identify what those 13:13:07  
23 elements, because they have changed over time, those 13:13:09  
24 elements, and what they have called them are 13:13:12  
25 different. So for each patent, I have to look at 13:13:14

1 the specific words that are associated to those 13:13:16  
2 numbers. 13:13:19

3 Q And without doing that, you can't understand 13:13:20  
4 what the structure and function of the stroller 13:13:22  
5 disclosed in Figure 9 is? 13:13:26

6 MR. RONDINI: Objection, misstates 13:13:28  
7 testimony. 13:13:29

8 A Well, it has a number, and so you are asking 13:13:31  
9 me a specific question. So I am going to reference, 13:13:33  
10 reference the full references that I have. And I 13:13:37  
11 want to identify, you are asking me a very specific 13:13:40  
12 question, so I am going to identify that 84 is a 13:13:43  
13 seat support element. 13:13:45

14 I am looking for 88 now. 88 is a, looks 13:13:48  
15 like they call that a seat connector. So 88 is a 13:13:53  
16 seat connector. 13:13:58

17 And then 21 is going back a little earlier, 13:14:00  
18 I believe. 21, let's see where that is at. 21 is 13:14:07  
19 called a connector portion. Connector portion is 13:14:15  
20 what 21 is identified as. 13:14:20

21 Q So to understand the structure and function 13:14:31  
22 of the items illustrated in Figure 9, you were not 13:14:35  
23 able to do that without looking to the description 13:14:42  
24 of what those reference numerals were? 13:14:45

25 MR. RONDINI: Objection, misstates 13:14:49

1 testimony. 13:14:50

2 A I used it to help. You know, it is not the 13:14:51  
3 same, it is a different, they are substantially 13:14:55  
4 different from the other figures. So it's got a 13:14:59  
5 unique-looking figure. 13:15:03

6 The frame is different. And so with that 13:15:03  
7 figure, like I said, I wanted to make sure that I 13:15:07  
8 answered your question properly. And ultimately 13:15:09  
9 there are three numbers there, so I want to see how 13:15:12  
10 does this patent incorporate those three numbers in 13:15:14  
11 its description and usage and properly identify 13:15:17  
12 them. 13:15:22

13 Q In Figure 9 of the '682 patent, imagine 13:15:22  
14 following up the, I guess the leg of the stroller, 13:15:27  
15 above 81, up and to the left of the reference 13:15:33  
16 numeral 81A, you see that kind of wide junction 13:15:36  
17 between those? If it would help I can share my 13:15:40  
18 screen. 13:15:45

19 A I think you need to pull stuff up because I 13:15:45  
20 don't want to misconstrue what you are stating in 13:15:48  
21 words. 13:15:50

22 Q Can you see my screen now? 13:15:56

23 A Yes, I see your screen. 13:15:58

24 Q So I am talking about this thing that I just 13:16:02  
25 circled. What would you call that? I am just 13:16:07

1 asking like, there is no reference we have on this 13:16:11

2 thing that I just drew a circle around, right? 13:16:14

3 MR. RONDINI: Objection, misstates document. 13:16:16

4 A It looks like there is a left, two sides of 13:16:24

5 this. It looks like 16, if that is what you are 13:16:28

6 pointing to, is Item No. 16. That appears to be 13:16:30

7 what you are circling. So let's look up what Item 13:16:33

8 16 is identified as. 13:16:38

9 Q Are you still searching? 13:17:39

10 A I am, yes. I am just looking for Item No. 13:17:41

11 16, what it is called out as. Sometimes the numbers 13:17:48

12 are sequential. I am trying to find that one 13:18:00

13 quickly. 13:18:18

14 Q Mr. Prairie, is it correct that you are 13:19:34

15 looking through the paper copy of the document to 13:19:36

16 find this reference numeral 16? 13:19:38

17 A I am. I know it is in here. I am just 13:19:41

18 struggling to find it at this time. 13:19:46

19 Q If I could for expediency, since you don't 13:19:47

20 have the ability to word search the document on your 13:19:50

21 paper copy, I point you to the top of Column 4, 13:19:52

22 around Line 15. 13:20:00

23 A There it is, folding mechanisms, okay, I 13:20:04

24 missed it there. 16 is pointing to the folding 13:20:08

25 mechanisms. 13:20:14

1 Q So now let's turn back to Figure 9. And 13:20:20  
2 based on looking at the specification, you have now 13:20:32  
3 identified 16 on the left side of this Figure 9 as 13:20:36  
4 the reference to folding mechanism? 13:20:40  
5 A Yes, Item 16 is a folding mechanism. 13:20:46  
6 Q And we can agree that is the right side of 13:20:49  
7 the stroller, correct, from the perspective of the 13:20:51  
8 user pushing the stroller? 13:20:55  
9 A Most likely, yes. 13:20:57  
10 Q And then on the left side of the stroller 13:21:00  
11 there is no reference numeral at that same sort of 13:21:03  
12 location, right? 13:21:07  
13 A No, there is not an item number there. 13:21:09  
14 Q And in this -- is this called a perspective 13:21:17  
15 view; is that right, do you know? 13:21:22  
16 A I do not know how that view is labeled. 13:21:24  
17 Q I think it is a perspective view. In this 13:21:28  
18 perspective view, we see one side of the Item 16 on 13:21:32  
19 the left side of the figure and we see the other 13:21:36  
20 side, the inside of that element on the right side, 13:21:41  
21 left leg of the stroller, on the right side of the 13:21:47  
22 figure, right? 13:21:50  
23 A It is not labeled, so you want to identify 13:21:51  
24 what you are pointing to or discussing? 13:21:54  
25 Q These two things that I just circled, we are 13:22:00

1 seeing the two sides of that structure. 13:22:03

2 A Okay. 13:22:06

3 Q A POSA would understand that, wouldn't he? 13:22:06

4 A From reading through that, that most likely 13:22:09

5 would be symmetry, so yes, the left side would be, 13:22:14

6 the folding mechanism of the stroller would be a 13:22:17

7 folding mechanism on the left side as well. 13:22:20

8 Q What would -- do you see that U shape on the 13:22:22

9 left leg of the stroller within the circle? 13:22:26

10 A Can you highlight what you are referring to? 13:22:33

11 Q You don't see a U shape there within the 13:22:36

12 circle? 13:22:39

13 A You are being very specific. Point to what 13:22:41

14 you are talking about. 13:22:44

15 Q I am being very specific about a U shape. 13:22:45

16 Does that look like a U to you, Mr. Prairie? 13:22:47

17 A I guess it has a, generally a U profile. I 13:22:50

18 wanted to make sure I was looking at the right 13:22:55

19 object, that's all. 13:22:57

20 Q Would a POSA have any understanding of the 13:22:57

21 function of that structure illustrated in Figure 9? 13:23:04

22 A Just from the manual alone, I can't say for 13:23:10

23 certainty, no. 13:23:17

24 Q Do you see a similar U shape on the item 13:23:18

25 that has the three referenced numerals, 88, 21 and 13:23:30

1	84 at the bottom left wheel?	13:23:34
2	A No, I don't see that by the bottom left	13:23:38
3	wheel.	13:23:45
4	Q Let me see if I can annotate it again.	13:23:48
5	A Oh, you are talking from, which perspective	13:23:53
6	are you talking about?	13:23:56
7	Q The same perspective as the first U shape we	13:23:57
8	discussed.	13:24:00
9	A Okay, okay, I was thinking as housed in the	13:24:00
10	paper.	13:24:04
11	Q Does that look like the same U shape or	13:24:05
12	similar U shape?	13:24:08
13	A It has a U shape profile.	13:24:09
14	Q Would a POSA looking at Figure 9 and seeing	13:24:14
15	this U shape in those two locations be able to	13:24:19
16	understand what the function of that thing is for,	13:24:27
17	what it does?	13:24:32
18	A Since you are asking about that specific	13:24:33
19	element, we can go back to what 84, 21 and 88	13:24:37
20	identify. And I believe 84 was a seat support	13:24:41
21	element, so.	13:24:44
22	Q I am scrolling up to Figure 7. You see a	13:24:50
23	similar U shape in Figure 7?	13:24:57
24	A I see Figure 7 as you have on the screen.	13:25:01
25	Q Do you see any similarities in the structure	13:25:09

1 around that U notch, whatever, I don't know what you 13:25:14  
2 would call it or a POSA would call it. What would a 13:25:20  
3 POSA see that as? 13:25:25  
4 A A cutout. 13:25:26  
5 Q Does it have a similar cutout shape as the 13:25:27  
6 ones we talked about in Figure 9? 13:25:30  
7 A I don't think the elements were a cutout. I 13:25:33  
8 don't remember. Were they? 13:25:38  
9 Q Would a POSA looking at this figure be able 13:25:39  
10 to understand what the purpose of that cutout, as 13:25:44  
11 you referred to it, is? 13:25:46  
12 A I guess, I don't know. I guess I would have 13:25:48  
13 to see what does 71 specifically call out. 13:26:00  
14 Q You would have to go look at the 13:26:04  
15 specification to see what 71 is described as? 13:26:06  
16 A Well, you are referencing a different 13:26:08  
17 figure, so just because I see a U shape profile in 13:26:10  
18 another part doesn't mean that it is the same exact 13:26:13  
19 thing. So a U is a general shape and -- the profile 13:26:16  
20 you give is a generic shape. So just because you 13:26:21  
21 show a shape doesn't mean it has a purpose. 13:26:23  
22 And so I want to identify in this particular 13:26:26  
23 figure what does 71 call out. 13:26:30  
24 Q Without looking at what figure, specifically 13:26:42  
25 what 71 is referred to as, maybe just even like in 13:26:46

1 the context of all of those -- strike that. 13:26:50

2 In the context of looking at all of these 13:26:52

3 figures, just the figures, right, how many figures 13:26:55

4 are there? 14C, Figures 1 through 14C, just looking 13:27:00

5 at these figures, would a POSA be able to understand 13:27:10

6 something about this structure in Figure 7 where the 13:27:18

7 reference numeral 71 is pointed to and what it is 13:27:23

8 for? 13:27:27

9 A I was working towards answering your 13:27:27

10 question so I stopped. Do you not want to reference 13:27:32

11 what 71 is? Because that's what I am going to do. 13:27:36

12 So I am working towards answering your question. 13:27:37

13 You seem not to want me to do that. 13:27:38

14 Q I struck the previous question and I asked 13:27:40

15 you a previous question which is: Without looking 13:27:42

16 at specifically what 71 is referred to as, but in 13:27:45

17 the context of looking at all of these figures, just 13:27:50

18 the figures, would a POSA be able to understand 13:27:52

19 something about the function of this structure in 13:27:59

20 Figure 7 where the reference numeral 71 is pointed 13:28:02

21 to and what it is for? 13:28:05

22 A I guess I don't have to just reference these 13:28:06

23 figures. They got numbers. And so for this 13:28:11

24 particular situation, I don't have to just reference 13:28:14

25 the figures. So I can't really place the what-if 13:28:16

1 scenario around that. 13:28:22

2 Q Would a POSA be able to? 13:28:22

3 A Potentially, but like I said, I've not done 13:28:25

4 that assessment on just the figures alone on this 13:28:27

5 particular document. 13:28:30

6 Q But you did do that assessment on another 13:28:34

7 document, right? You did that assessment on the 13:28:37

8 Liao document, correct? 13:28:41

9 A Yes, so there was, but there was some 13:28:43

10 supporting language with that as well that helped 13:28:49

11 point what the application of that particular Liao 13:28:52

12 was used for. And the Patent Office provided some 13:28:55

13 guidance there too. 13:28:59

14 Q A POSA looking at the Liao document, that is 13:29:01

15 just a design patent, right? 13:29:05

16 A So are we shifting gears from this 13:29:07

17 reference? You want me to stop looking at the 13:29:10

18 Exhibit 1010 and pull up the Liao reference? 13:29:12

19 Q I didn't ask you to look at anything in 13:29:15

20 particular. You have heard of Liao design patent, 13:29:16

21 right? That is one of your grounds of 13:29:20

22 unpatentability? 13:29:22

23 A Yes, when you reference a new reference, you 13:29:23

24 like to just pull up the document and have it in 13:29:26

25 front of me. 13:29:28

1 Q You are welcome do that if it is necessary 13:29:28  
2 for you to answer the question. Liao is a design 13:29:30  
3 patent, isn't it? 13:29:33

4 A Well, like I said I always like to reference 13:29:33  
5 the exhibit that you are referring to. So what is 13:29:38  
6 the exhibit number that you are referring to? 13:29:41

7 Q 1122 -- sorry, no, I take that back. It is 13:29:47  
8 Exhibit 1048 in the 1122 IPR proceeding. 13:29:55

9 A So again, we are looking at Exhibit 1048, 13:30:27  
10 that's what I have in front of me, the Liao design, 13:30:30  
11 the Liao, yes, United States design patent, Patent 13:30:39  
12 No. US D593,459S, and it is titled Combination Push 13:30:42  
13 Chair Frame. And a description of each of the 13:30:58  
14 figures within there has a description of what those 13:31:06  
15 figures are and it claims an ornamental design for a 13:31:08  
16 combination push chair frame as shown and described. 13:31:14

17 Q And now that you have looked at the document 13:31:19  
18 and read all of that stuff from it that I didn't ask 13:31:22  
19 you about, you can now answer the question. Liao is 13:31:25  
20 a design patent, correct? 13:31:29

21 A Yes, Liao is the, the specific Liao 13:31:30  
22 reference that you are citing is a design patent. 13:31:37

23 Q And a design patent only protects ornamental 13:31:38  
24 features, the ornamental appearance of an article 13:31:44  
25 that is manufactured, right? 13:31:45

1 MR. RONDINI: Objection, calls for a legal 13:31:46  
2 conclusion. 13:31:48  
3 A It can disclose designs and art in general. 13:31:49  
4 So this one is a very detailed engineering, it has 13:31:56  
5 very detailed engineering drawings, very detailed 13:31:59  
6 images, discloses many details. 13:32:03  
7 BY MR. THOMAS: 13:32:04  
8 Q There are no written words describing what 13:32:04  
9 these figures are other than saying it is a 13:32:10  
10 combination push chair frame, correct? 13:32:12  
11 MR. RONDINI: Objection, calls for a legal 13:32:16  
12 conclusion. 13:32:18  
13 A Each of the images has a description using 13:32:20  
14 words that describe it. I believe I also reference 13:32:23  
15 there is some file history on this design patent 13:32:26  
16 that had some discussion as well. 13:32:29  
17 Q What words are used to describe the figures 13:32:31  
18 that I have not already referred to, Mr. Prairie? 13:32:35  
19 A I don't understand your question. 13:32:37  
20 Q You just said that there are words that 13:32:44  
21 describe the figures. What are those words? 13:32:47  
22 A Within the first page of the patent it goes 13:32:49  
23 through every figure. Would you like me to go 13:32:56  
24 through and identify every figure for you? 13:32:59  
25 Q It describes, it is certain views of a 13:33:00

1 combination push chair frame, correct? 13:33:05

2 A It tells me, you know, it is a push chair 13:33:07

3 frame and it gives me some further viewpoint on how 13:33:11

4 to piece it all together. Like I said, it is a very 13:33:14

5 detailed design patent, almost engineering level 13:33:16

6 documentation design patent. 13:33:20

7 Q And your declaration brings a lot of 13:33:29

8 testimony about Liao and how a POSA would interpret 13:33:33

9 and understand the Liao design patent, right? 13:33:35

10 A Yes, in many cases, I cite and the patent 13:33:39

11 examiner views the same way on that. So it wasn't 13:33:43

12 just me. My assessment, even the patent examiner 13:33:45

13 agrees with my position on many of these positions. 13:33:48

14 Q Even though there is no other written 13:33:50

15 description, no reference numerals on any of these 13:33:57

16 figures? 13:34:01

17 A That's sufficient for a patent examiner, so 13:34:01

18 that's sufficient for me. 13:34:04

19 Q But it was not sufficient for you when it 13:34:06

20 comes to looking at the figures of the '682 patent, 13:34:08

21 correct? 13:34:13

22 A I said I didn't have to do that in '682. My 13:34:13

23 assessment of the '682 patent had declarations and 13:34:19

24 further background, so I didn't have to do that 13:34:23

25 level of assessment on that particular document. 13:34:28

1	So could I potentially? I just have not	13:34:30
2	done it on the images alone.	13:34:33
3	Q In your declaration --	13:34:40
4	A We are getting, it is 12:30. You want to	13:34:44
5	finish your line of questions and have a lunch	13:34:48
6	break?	13:34:49
7	Q Yes, I would like to ask a few more	13:34:49
8	questions and we are to good to take a break?	13:34:52
9	A By a few more, do you mean ten to 15 minutes	13:34:56
10	worth or just a couple minutes?	13:34:59
11	Q It depends on how much you want to read, Mr.	13:35:00
12	Prairie.	13:35:02
13	If you go to the '682 patent declaration,	13:35:02
14	that is Exhibit 1001 in the 1122 IPR, Paragraph 372.	13:35:08
15	A Sorry, you are at the '682 patent or '682	13:35:17
16	declaration?	13:35:20
17	Q '682 declaration.	13:35:20
18	A Just confirming. You have been off on your	13:35:24
19	numbers today, so just making sure.	13:35:26
20	Q But not on the documents, so let's go to	13:35:28
21	Paragraph 372 which is Page 220 of your '682	13:35:31
22	declaration.	13:35:37
23	A Our on paragraph or page?	13:35:39
24	Q If you will listen carefully to the	13:35:42
25	questions, I will really do my best to point you	13:35:44

1 precisely to where you need to be. 13:35:46

2 And I said, Page 220, Paragraph 372. 13:35:48

3 A All right, I am on Page 220, Paragraph 372, 13:36:01  
4 starts on 219. 13:36:07

5 Q Your testimony here is that, starting in the 13:36:09  
6 third line, "The housing (green) of Liao provides an 13:36:13  
7 opening that a POSITA would have considered as being 13:36:17  
8 the seat attachment housing as it is a structural 13:36:20  
9 element that allows insertion and surrounds adapter 13:36:25  
10 arms of the removable second-seat subassembly." Do 13:36:30  
11 you see that? 13:36:34

12 A I see the lines that you read from my 13:36:36  
13 declaration. 13:36:40

14 Q And there is no description of a second seat 13:36:40  
15 subassembly in Liao, correct, the words? 13:36:44

16 MR. RONDINI: Objection, misstates document, 13:36:47  
17 misstates testimony. 13:36:51

18 BY MR. THOMAS: 13:36:51

19 Q And by description I mean actually in words, 13:36:51  
20 no, like, here's how these pieces fit together; that 13:36:57  
21 is not in the document? 13:37:00

22 A Which particular document are you referring 13:37:02  
23 to, specifically to Liao then? 13:37:05

24 Q Which document do you think, Mr. Prairie? 13:37:12

25 A You didn't tell me, so. 13:37:14

1 Q Which document is your testimony referring 13:37:18  
2 to? 13:37:20

3 A I have a document that's my declaration. I 13:37:22  
4 am not quite understanding your question. 13:37:34

5 Q Your testimony is contained in your 13:37:41  
6 declaration, correct? 13:37:43

7 A Yes, I've given a declaration. I've given 13:37:44  
8 an opinion. 13:37:50

9 Q Your testimony is that the housing of Liao 13:37:51  
10 provides an opening that a POSITA could have 13:37:55  
11 considered as being the seat attachment housing as 13:37:58  
12 it is a structural element that allows insertion and 13:38:02  
13 surrounds adapter arms of the removable second seat 13:38:05  
14 subassembly. That is your testimony. 13:38:09

15 And you are testifying about what the POSITA 13:38:12  
16 would understand or consider when looking at the 13:38:17  
17 Liao design patent, right? 13:38:19

18 A There is a whole section about Liao, it 13:38:23  
19 starts on Page 209 and goes all the way through Page 13:38:25  
20 253. So, yes, I utilize the Liao design patent and 13:38:31  
21 I make a multi-page opinion about that in regards to 13:38:36  
22 the '682 patent. 13:38:41

23 Q And your opinion is that a POSITA would have 13:38:45  
24 considered this thing that you shaded as green in 13:38:49  
25 the Liao document as the claimed seat attachment 13:38:53

1 housing, correct? 13:38:57

2 A Yes, I've identified those as housings that 13:39:41  
3 are colored in green. 13:39:45

4 Q And the reason that you have identified it 13:39:47  
5 as a seat attachment housing is because, "it is a 13:39:51  
6 structural element that allows insertion and 13:39:56  
7 surrounds adapter arms of the removable second seat 13:39:58  
8 subassembly," correct? 13:40:02

9 A Yes, that's the quote I used. 13:40:04

10 Q And there are no words in the Liao design 13:40:09  
11 patent that describe the shaded green thing as 13:40:19  
12 allowing insertion and surrounding adapter arms, are 13:40:25  
13 there? 13:40:29

14 MR. RONDINI: Objection, to the extent it 13:40:30  
15 misstates his testimony. 13:40:32

16 A As I stated, Liao is a design patent, it is 13:40:34  
17 a very detailed design patent. It is one that I've 13:40:38  
18 done a lot of detailed CAD models and designs. And 13:40:41  
19 you can see from even the tangent engines that are 13:40:45  
20 shown, this is a detailed model. 13:40:49

21 And you can see the separation of 13:40:51  
22 components. When you zoom in on certain components, 13:40:53  
23 you can see there are latches, there are arms, there 13:40:55  
24 are pivots, there are wheels, there are handles. 13:40:58  
25 There's lots of detail in this design that -- so to 13:41:01

1 your comment, can you use images? Yes, you can use 13:41:05  
2 images. 13:41:10  
3 Can you exclusively use images? Maybe, 13:41:10  
4 maybe not. It is not an all-across statement 13:41:12  
5 because it depends on the level of the detail of the 13:41:15  
6 document. So it can't be a broad case. 13:41:18  
7 In this one Liao is sufficient. And as I 13:41:20  
8 stated, even the Patent Office agrees with that. 13:41:23  
9 There has been reference in multiple times in my 13:41:25  
10 claims here is that a patent examiner even 13:41:29  
11 references this design patent as prior art for your 13:41:31  
12 own patent history. 13:41:34  
13 So I guess, yes, even the Patent Office 13:41:35  
14 agrees with many of my opinions in here. 13:41:39  
15 Q So a POSA can look at the figures and 13:41:43  
16 interpret them and understand them for whatever it 13:41:48  
17 is that they disclose on their own, correct? That's 13:41:51  
18 what you -- 13:41:55  
19 MR. RONDINI: Objection. 13:41:56  
20 Q That is the perspective that you took on, 13:41:56  
21 your testimony is that you took on when evaluating 13:41:58  
22 the Liao design patent, right? 13:42:01  
23 MR. RONDINI: Objection. 13:42:03  
24 A The Liao -- 13:42:04  
25 MR. RONDINI: Hold on a second. Objection, 13:42:05

1 compound, vague, misstates testimony. 13:42:07

2 A For Liao, I was able to make an assessment 13:42:10

3 because it is a very detailed document. Those 13:42:13

4 images were sufficient to make an assessment. 13:42:15

5 BY MR. THOMAS: 13:42:18

6 Q And your opinion is that the images in the 13:42:18

7 '682 patent are not sufficient to make an assessment 13:42:24

8 of the structures and functions that we were 13:42:27

9 discussing earlier, the U shapes, the things that I 13:42:31

10 circled, without resort to the written 13:42:34

11 specification? 13:42:36

12 MR. RONDINI: Objection, misstates 13:42:38

13 testimony. 13:42:40

14 A It is not an assessment. I've not been 13:42:41

15 asked to make an assessment of what you said of the 13:42:44

16 '682 exclusively on the images. I have not needed 13:42:50

17 to. 13:42:52

18 There is plenty of other -- so '682 has 13:42:52

19 context with it. It is not a design patent so it 13:42:55

20 doesn't need, or there is extra verbal content with 13:42:59

21 there. 13:43:03

22 The Liao patent had sufficient information 13:43:03

23 and the images to make my assessment. And that was, 13:43:05

24 I was asked to make that assessment. 13:43:08

25 I made that assessment. And the assessment 13:43:10

1 is written in this document. I said it is not just 13:43:11  
2 me, it is the patent examiner agrees with that. 13:43:14

3 The '682, I was not asked to do the 13:43:17  
4 assessment that you are asking me of. Could it be 13:43:20  
5 done? Potentially. Someone could potentially look 13:43:23  
6 at the images and make an assessment on that. 13:43:27  
7 That's not an assessment I have made. 13:43:30

8 Q I think I just have one more question and 13:43:33  
9 then we will break, but I have to find the right 13:43:37  
10 spot. Turn to Page 74 of your -- sorry. 13:43:39

11 The '682 declaration, Exhibit 1001, Page 76. 13:44:55  
12 Let me know when you are there. 13:45:13

13 A I'm on Page 76 of my '682 declaration. 13:45:20

14 Q And we talked about this figure, this page 13:45:24  
15 and this figure earlier and this excerpt from the 13:45:27  
16 file history and in the first non-provisional. And 13:45:32  
17 do you see the amendment to the specification at the 13:45:36  
18 top of the page? 13:45:39

19 A On top of Page 76, is that what you are 13:45:40  
20 referring to? Yes, I see the amendment to the 13:45:48  
21 specification. 13:45:50

22 Q So here there is a description that is being 13:45:50  
23 added to the -- strike that. 13:45:55

24 In this paragraph, the applicant is adding 13:45:59  
25 the following paragraphs to the specification during 13:46:06

1 the prosecution history of the first 13:46:09  
2 non-provisional, right? 13:46:13  
3 A It says, yes, looks like requested to add 13:46:13  
4 the following paragraphs to the specification and 13:46:20  
5 place them after Paragraph 26. 13:46:23  
6 Q And here we see that same, the Figure 10 is 13:46:28  
7 the same structure that was illustrated in the '682 13:46:33  
8 patent that we discussed earlier with the U shapes, 13:46:38  
9 right? Different reference labels, same structure? 13:46:41  
10 A It appears to be some similarities. 13:46:50  
11 Q And the text describes this Figure 10 as, "a 13:46:54  
12 perspective view of a stroller comprising attachment 13:47:00  
13 frame members capable of reversibly receiving two 13:47:03  
14 separate seat attachments." And a little bit 13:47:09  
15 further down it says, "The site attachment 13:47:19  
16 comprising a connector portion capable of reversibly 13:47:21  
17 connecting to one of the attachment portions above a 13:47:25  
18 front wheel of the stroller and a seat attachment 13:47:28  
19 member capable of supporting a second seat in either 13:47:31  
20 a forward or backward position." 13:47:34  
21 So my question to you is: Looking at the 13:47:36  
22 figure and that description, wouldn't a POSA be able 13:47:42  
23 to understand that this disclosure includes a 13:47:51  
24 structural element that allows insertion or 13:47:56  
25 connection of a seat attachment member? 13:47:58

1           A       Like I said -- let me read the context of       13:48:02  
2       this one. This one is an excerpt of the whole       13:48:26  
3       thing, so let me read the context of what this       13:48:28  
4       excerpt was.       13:48:36

5                    There is a fair amount of modifications to       13:48:47  
6       that, multiple rounds back and forth between the       13:48:49  
7       Patent Office.       13:48:54

8                    I don't believe, I don't agree with your       13:49:24  
9       statement. I don't believe that is not a position       13:49:28  
10       I've made, so.       13:49:30

11           Q       Understanding that is not a position you       13:49:32  
12       have made in your direct testimony, I am asking you       13:49:34  
13       now whether or not you believe a POSA would       13:49:37  
14       understand that this figure as described, above the       13:49:40  
15       figure on Page 76 of your declaration, would a POSA       13:49:48  
16       understand that as a structural element that allows       13:49:56  
17       insertion or connection of a seat attachment?       13:49:59

18                    MR. RONDINI: Objection, vague, calls for a       13:50:06  
19       legal conclusion.       13:50:07

20           A       I guess, no, it is not an opinion I have       13:50:14  
21       made. I would have to spend some more time going       13:50:16  
22       through the file history and refresh myself on that       13:50:20  
23       section portion in there.       13:50:23

24                    Let me answer this: This figure wasn't       13:50:27  
25       initially in there. It was added. There is no       13:50:30

1 context. 13:50:33

2 So only on that three-quarters of a page, 13:50:33

3 no, I cannot make that assessment. I would have to 13:50:37

4 go back. And like you said, it is a 500-page 13:50:40

5 document. We would have to go through. 13:50:42

6 And for me to make that statement, I would 13:50:43

7 have to do a further assessment on the context of 13:50:45

8 that. And it is not an opinion I have made. And at 13:50:47

9 this time I would not be comfortable making that 13:50:50

10 statement. 13:50:52

11 Q Because you didn't make that assessment 13:50:52

12 already, you haven't looked for that already, 13:50:54

13 correct? 13:50:56

14 A I don't believe it does. And so I've stated 13:50:56

15 that. It is even my situation that the specific 13:51:02

16 words I have said were introduced even in the 13:51:07

17 context of some of the language that you used is 13:51:09

18 introduced at the second provisional. 13:51:11

19 So like I said, the terms of these 13:51:13

20 components have changed over time. And so that's 13:51:15

21 why I have to pause and read the file history and 13:51:18

22 make sure I understand I am using, looking at your 13:51:20

23 question fully, because there's a lot of terminology 13:51:23

24 that changed there. 13:51:26

25 So we have to look at your terminology 13:51:26

1 specifically and make sure I answer it 13:51:28

2 appropriately. 13:51:31

3 MR. THOMAS: We can go off the record. 13:51:33

4

5 (At 1:53 p.m., a luncheon recess was taken.) 13:51:52

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1	Between these two figures, do you see the same	14:35:50
2	stroller frame structure?	14:35:52
3	MR. RONDINI: Objection to form, misstates	14:35:54
4	the document.	14:35:58
5	A They are similar images but they are not the	14:35:58
6	same.	14:36:01
7	BY MR. THOMAS:	14:36:03
8	Q And the things that are not the same about	14:36:03
9	them is the labeling, correct?	14:36:05
10	MR. RONDINI: Objection to form.	14:36:09
11	A No, the labeling and the context that they	14:36:12
12	are used in is different.	14:36:15
13	Q I am asking just about the figures	14:36:16
14	themselves, what the figures depict. Is there any	14:36:18
15	difference between these figures besides the	14:36:24
16	labeling and the reference numerals?	14:36:30
17	MR. RONDINI: Objection, asked and answered.	14:36:33
18	A Like I said, they are similar and the labels	14:36:36
19	are different.	14:36:39
20	Q Can you identify any other difference	14:36:42
21	besides the different labels and what is depicted,	14:36:45
22	between what is depicted in Figure 8 of Exhibit 1003	14:36:51
23	and Figure 8A of Exhibit 1010?	14:36:55
24	A Like I said, they are similar but they are	14:37:04
25	different. And the context that they are used in is	14:37:06

1	different.	14:37:08
2	Q So the answer is no, you cannot point to a	14:37:10
3	difference in the figures in what is depicted in the	14:37:16
4	figures other than the labeling?	14:37:21
5	MR. RONDINI: Objection, asked and answered.	14:37:24
6	A Like I said, they are different. They are	14:37:30
7	from different patents and the patents themselves	14:37:32
8	are calling and citing out and describing things a	14:37:36
9	little bit differently between them.	14:37:40
10	BY MR. THOMAS:	14:37:41
11	Q Can you point to any physical structure	14:37:41
12	visible in Figure 8A of the '682 patent that is not	14:37:45
13	also visible in Figure 8 of the 2009	14:37:52
14	non-provisional?	14:37:55
15	MR. RONDINI: Objection, form, calls for a	14:37:56
16	legal conclusion.	14:37:58
17	A I said the figures are similar, but the	14:38:02
18	figure that I have in front of me, Figure 8A, is	14:38:05
19	labeling, and the context of how it is described in	14:38:09
20	the patent itself is different than the figure you	14:38:13
21	have shown on your screen.	14:38:16
22	Q And so you are not going to point to any	14:38:18
23	physical structure visible in Figure 8A of the '682	14:38:20
24	patent that is also not visible in Figure 8 in the	14:38:24
25	2009 non-provisional?	14:38:30

1 MR. RONDINI: Objection. 14:38:30

2 A Figure 8A identifies some additional 14:38:31  
3 characteristics about the handle that are different 14:38:34  
4 than they were described in Figure 8, so I know that 14:38:37  
5 is definitely one thing that is substantially 14:38:42  
6 different between these two figures and how they are 14:38:44  
7 incorporated. 14:38:46

8 BY MR. THOMAS: 14:38:47

9 Q By that you are referring to the words in 14:38:47  
10 the Specifications section; is that correct? 14:38:50

11 MR. RONDINI: Objection, misstates 14:38:53  
12 testimony. 14:38:55

13 A I am saying that there are different labels 14:38:58  
14 and particularly one area that is different is the 14:39:03  
15 handle portion which is, the handle portion is a, 14:39:06  
16 described differently in these two different 14:39:11  
17 patents. 14:39:14

18 Q I am zooming in on what I think you would 14:39:19  
19 refer to as the handle portion. Just a moment. I 14:39:21  
20 have zoomed in on Exhibit 1003, Figure 8, and here 14:39:59  
21 the reference numeral 81C is described in Exhibit 14:40:07  
22 2003 has as a handle portion 81C, correct? 14:40:15

23 A I don't know. If you want to pull up that 14:40:21  
24 document, I don't have that one in front of me. I 14:40:23  
25 don't remember exactly what in that patent -- I know 14:40:26

1 it is called something different, I believe, later. 14:40:31  
2 Would you like me to pull it up on my end or on your 14:40:34  
3 end? 14:40:38  
4 Q No, I will represent to you that it is 14:40:38  
5 referenced in the, in Exhibit 1003 as a handle 14:40:39  
6 portion 81C. 14:40:44  
7 A Just for reference, I am going to look up on 14:40:47  
8 my own. 14:40:49  
9 Q I am not asking you to look it up, and to 14:40:49  
10 the extent you want to look it up, I can withdraw 14:40:52  
11 that question. And so to the extent you are going 14:40:55  
12 to look it up, then that is taking up additional 14:40:58  
13 time that I am not asking you to take. 14:41:00  
14 In looking at the Figure 8A of the '682 14:41:01  
15 patent, the illustration of Figure 8A is the same as 14:41:09  
16 the illustration as it relates to -- well, all of 14:41:14  
17 it, but including, the illustration is the same, 14:41:24  
18 isn't it? There are no physical structures that are 14:41:29  
19 different with regard to any part of the handle 14:41:32  
20 portion? 14:41:36  
21 MR. RONDINI: Objection, vague, misstates 14:41:36  
22 document. 14:41:38  
23 A Well, the '682 patent specifically calls 14:41:39  
24 out, identifies that upper handle portion, the area 14:41:42  
25 in the far upper right with additional components 14:41:46

1 and goals in the quite length, actually, to make 14:41:48  
2 sure that there is additional disclosure as to that 14:41:53  
3 area up in there. So, no, they are not the same. 14:41:57

4 There are similarities for sure, but they 14:42:01  
5 are not the same. There is a fair amount of 14:42:02  
6 disclosure as to differences between them, even 14:42:04  
7 discussion back and forth with the Patent Office 14:42:07  
8 about certain features. 14:42:10

9 Q But a POSA, looking at the illustration in 14:42:12  
10 the figure, would not be able to identify any 14:42:18  
11 difference in these of what is shown in the figure? 14:42:22

12 MR. RONDINI: Objection, misstates 14:42:28  
13 testimony. 14:42:30

14 A No, a POSITA would look at the images and 14:42:33  
15 the context that they are used, and that's what I 14:42:37  
16 did. And ultimately, this handle portion is 14:42:39  
17 absolutely different, I mean, there is really no 14:42:42  
18 question in my mind that the handle portion is 14:42:45  
19 different in the '682 than what was disclosed in the 14:42:47  
20 earlier first provisional you have up on your 14:42:51  
21 screen. 14:42:53

22 Q And assume there were no reference labels, 14:42:54  
23 assume you were just handed these two figures -- 14:42:58  
24 withdraw it. Yes, okay. 14:43:04

25 If you would please pull up the Liao 14:43:07

1 Exhibit, 1048. Okay. And also maybe kind of be 14:43:25  
2 able to quickly go back and forth between your '682 14:43:41  
3 declaration. 14:44:04  
4 A I have the Liao design patent in front of 14:44:04  
5 me. 14:44:07  
6 Q There is a limitation in both -- do you 14:44:13  
7 recall that there is a limitation in both patents 14:44:16  
8 relating to an inline descending configuration? 14:44:19  
9 MR. RONDINI: Objection, vague. 14:44:23  
10 A Can you be more specific in the context 14:44:30  
11 those words were used in? 14:44:32  
12 BY MR. THOMAS:  
13 Q It is Element 1.8 as you have denominated it 14:44:35  
14 in the '682 patent. 14:44:40  
15 A That's from the '682, 1.8? 14:44:41  
16 MR. RONDINI: Are we looking at a specific 14:45:08  
17 page in this declaration? 14:45:10  
18 MR. THOMAS: I haven't asked about it yet 14:45:11  
19 but he is welcome to look at whatever he likes. 14:45:13  
20 Q But do you recall there is a limitation that 14:45:16  
21 you have denominated, Element 1.8 relating to an 14:45:18  
22 inline descending configuration, that the first seat 14:45:22  
23 and second seat are arranged in an inline descending 14:45:27  
24 configuration? 14:45:31  
25 A Page 231 of my declaration has 1.8, which 14:45:32

1 is, "Wherein the first seat and second seat when 14:45:39  
2 connected on a frame are arranged in an inline 14:45:41  
3 descending configuration along the stroller frame." 14:45:43

4 Q And to illustrate that, you included an 14:45:48  
5 annotated figure, right? And you have drawn, your 14:45:51  
6 testimony says, a green line, you have drawn through 14:46:00  
7 the portions of the seat where the infant's buttocks 14:46:02  
8 would be located. But I think you mean a red line, 14:46:05  
9 correct? 14:46:07

10 A Yes, it is depicted in Figure 10 as a red 14:46:08  
11 line, yes. 14:46:19

12 Q So let's look at the figures of Liao, let's 14:46:21  
13 look at some of the other figures of Liao. Figure 14:46:28  
14 11. 14:46:32

15 A Okay, I have Figure 11 of Liao in front of 14:46:43  
16 me. 14:46:46

17 Q Would a POSA interpret Figure 11 to disclose 14:46:46  
18 or show seats in an inline descending configuration? 14:46:52

19 MR. RONDINI: Objection, vague. 14:47:03

20 A Could be that particular configuration, 14:47:16  
21 maybe it is a more horizontal type configuration. 14:47:20

22 BY MR. THOMAS: 14:47:25

23 Q Figure 12, that is also a horizontal 14:47:25  
24 configuration, right? 14:47:28

25 MR. RONDINI: Objection, vague. 14:47:36

1	A	But a POSITA would know that if you want	14:47:59
2		inline design configuration, the length of those	14:48:01
3		arms could be adjusted or adjusting the connection	14:48:04
4		points to create the inline descending type	14:48:10
5		configuration.	14:48:11
6	BY MR. THOMAS:		14:48:23
7	Q	That's not -- tell me that again. Maybe I	14:48:23
8		don't quite understand. What would the POSITA know	14:48:29
9		that could be adjusted as it relates to Figure 12?	14:48:33
10	A	I don't know the exact words you said. I	14:48:42
11		said the seat could be configured as inline	14:49:25
12		descending configuration in that embodiment that is	14:49:28
13		shown in Figure 11.	14:49:31
14	Q	But you haven't offered any direct testimony	14:49:32
15		in these proceedings about adjusting the	14:49:34
16		configuration of the arms to put the seats into an	14:49:37
17		inline descending configuration, have you?	14:49:45
18	A	I was just looking through my notes here to	14:49:49
19		see if I had made that official written position or	14:49:51
20		not. It appears that in prosecution, the actual	14:49:54
21		examiner found that the Liao prior art disclosed	14:50:28
22		this position as well. And the patent owner never	14:50:32
23		apparently disputed that finding in looking at the	14:50:46
24		reference that I have in the file history.	14:50:47
25	Q	All right, we will see.	14:50:49

1           Let's look at Liao Figure 9. Does that           14:50:50  
2 disclose an inline configuration, inline descending       14:51:00  
3 configuration between the seats?                           14:51:04  
4           A     Potentially could, yes, looking at Figure 9.   14:51:06  
5           Q     How so? Describe how it potentially could.   14:51:28  
6 How would a POSA view an inline descending               14:51:31  
7 configuration in Figure 9?                                   14:51:34  
8           A     We can reference my Page 231. It is very       14:51:36  
9 similar to Figure 10. So to me, it would be a very       14:51:43  
10 similar assessment.   14:51:46  
11          Q     So your opinion that, on Page 231 that the,     14:51:50  
12 that Liao discloses the recited inline descending       14:51:58  
13 configuration is based in part on your choice of           14:52:02  
14 Figure 10 of Liao and your choice of where you would   14:52:07  
15 draw the line, correct?                                   14:52:11  
16          MR. RONDINI: Objection, misstates               14:52:13  
17 testimony.   14:52:15  
18          A     Well, the Liao design patent shows many       14:52:18  
19 different configurations, and so, so it is very           14:52:21  
20 evident that the Liao design could be configured in       14:52:26  
21 many different ways.                                       14:52:30  
22               I don't think a POSITA would not understand   14:52:31  
23 that these are all-inclusive and that there could be     14:52:33  
24 alternate configurations that it could be configured     14:52:36  
25 within.   14:52:39

1           So to me, I am showing one example where the    14:52:40  
2 inline descending -- but there are, it could be        14:52:43  
3 easily configured in an inline descending            14:52:47  
4 configuration that was disclosed by Liao.             14:52:50

5           Q     And the disclosure and the different       14:52:52  
6 configurations you are talking about are the dotted    14:52:54  
7 line seats that are attached, the various dotted      14:52:58  
8 line seats that are attached in the figures,           14:53:01  
9 correct?   14:53:03

10          A     I said Figure 10 is annotated to show, you   14:53:04  
11 know, one example of how an inline descending        14:53:13  
12 configuration could be shown as disclosed by Liao.     14:53:18

13          Q     Because you chose to draw the line through   14:53:22  
14 the infant's buttocks, right?                         14:53:24

15          A     I guess a POSITA, it teaches the POSITA that   14:53:26  
16 are there are alternate configurations and the        14:53:34  
17 POSITA can look at these detailed engineering         14:53:36  
18 drawings and understand that you could adjust the     14:53:39  
19 heights and position of those seats to create an     14:53:40  
20 inline descending configuration, if that is a         14:53:42  
21 desired configuration.                                 14:53:46

22          Q     But you have no testimony in your IPR        14:53:47  
23 declarations about adjusting the positions of these,    14:53:51  
24 the heights and positions of these seats. The only    14:53:57  
25 thing that you testify about as showing an inline     14:54:01

1 descending configuration is Figure 10 and the line 14:54:04  
2 that you have drawn through the portion of the seat 14:54:07  
3 where the infant's buttocks are located, correct? 14:54:11  
4 MR. RONDINI: Objection, misstates 14:54:14  
5 testimony. 14:54:16  
6 A I guess I also state that the Patent Office, 14:54:20  
7 from my understanding, also took a similar position, 14:54:24  
8 to my understanding, that there was multiple 14:54:27  
9 vertical positions. 14:54:29  
10 BY MR. THOMAS: 14:54:33  
11 Q But those multiple vertical positions -- let 14:54:33  
12 me withdraw that. 14:54:40  
13 Why did you choose to draw the line where 14:54:41  
14 you did, where the infant's buttocks would be 14:54:44  
15 located? 14:54:50  
16 A Honestly, I don't recall my exact logic for 14:54:50  
17 the beginning and ending point of that line. It was 14:55:00  
18 just a general to show that in the seat there are 14:55:05  
19 different vertical positions there and the red line 14:55:10  
20 was to emphasize the point that there is an inline 14:55:12  
21 descending configuration from multiple vertical 14:55:14  
22 positions. 14:55:18  
23 Q What is it that you call in Liao, what is it 14:55:19  
24 that you call the thing that the seats are actually 14:55:25  
25 attached to, illustrated as being attached to? What 14:55:28

1	do you call that?	14:55:31
2	MR. RONDINI: Objection, vague.	14:55:33
3	BY MR. THOMAS:	14:55:35
4	Q You have illustrated, you have highlighted	14:55:35
5	one in gold on this page that we have been talking	14:55:38
6	about.	14:55:40
7	A If we go back a couple of pages, there is	14:55:47
8	some configurations on Page 226 and 227. Those have	14:55:49
9	been identified as seat attachment adapters.	14:55:57
10	Q So if you drew the line through the hole at	14:56:00
11	the top of the seat attachment adapters, the two	14:56:10
12	seat attachment adapters, that would be a horizontal	14:56:13
13	line, wouldn't it?	14:56:16
14	A Not for sure if it would be or not.	14:56:17
15	Q Do you have a straight edge or a piece of	14:56:25
16	paper you could use?	14:56:30
17	A You want to pull it up on the screen and	14:56:31
18	show me the points you are referring to, I know how	14:56:39
19	to draw straight line. I guess I would like you to	14:56:42
20	identify, pull up on the screen what you are	14:56:46
21	referring to.	14:56:49
22	Q Hold on a moment. I was already sharing, I	14:56:49
23	am sorry.	14:56:57
24	I have pulled up Figure 11 of Liao. Do you	14:56:58
25	see that?	14:57:12

1	A	It is not up yet.	14:57:12
2	Q	How about now?	14:57:17
3	A	Looks like it is still in process. We have	14:57:18
4		something up here.	14:57:31
5	Q	You see it now?	14:57:35
6	A	Yes, I see an image, Figure 11 on the	14:57:36
7		screen.	14:57:43
8	Q	So if I draw a line from this point to this	14:57:44
9		point, at the top of the seat attachment adapters,	14:57:53
10		there we go, can you see the red line that I drew?	14:58:01
11	A	I can see the line that you drew on the	14:58:04
12		screen.	14:58:08
13	Q	And would you, would it be fair to say that	14:58:08
14		that is a line drawn from near the top of what you	14:58:13
15		have described as the seat attachment adapter, at	14:58:16
16		the forward seat attachment adapter and the rearward	14:58:19
17		seat attachment adapter?	14:58:23
18		MR. RONDINI: Objection, vague.	14:58:26
19	A	I can confirm you have drawn a, looks like a	14:58:32
20		horizontal line I will answer that. You have drawn	14:58:38
21		intendedly drawn a horizontal line on the screen.	14:58:40
22	Q	Like you intendedly drew a diagonal line in	14:58:42
23		your declaration, right?	14:58:46
24	A	No, I mean, I could pick any two points that	14:58:48
25		are horizontal and draw a line between them. We are	14:58:54

1	not in a graphics class here, so --	14:58:56
2	Q That is fair. That's why I asked you why	14:58:59
3	you chose to draw the line where you did. Why did	14:59:01
4	you not draw it the way that I have illustrated it	14:59:04
5	in Figure 11, on Figure 11?	14:59:09
6	A To point out the seats are generally in the	14:59:13
7	vertical positions of them, are inline. The	14:59:18
8	description of 1.8 doesn't say the inline descending	14:59:21
9	is actually the connecting point. It says the seats	14:59:24
10	themselves are, not the connection points.	14:59:27
11	So I think we are talking about the seats,	14:59:30
12	not about the, per se, the connection points, as you	14:59:32
13	are trying to make a statement on.	14:59:36
14	Q Looking at Claim Element 1.8, it says,	14:59:49
15	"Wherein, the first seat and the second seat when	14:59:54
16	connected to the frame are arranged in an inline	14:59:57
17	descending configuration along the stroller frame."	15:00:01
18	And so do I understand you to say that when	15:00:14
19	you are thinking about the inline descending	15:00:17
20	configuration, to you or to a POSA, you believe that	15:00:22
21	would mean, look at the bottom of the seat or where	15:00:27
22	the child's buttocks would rest and not where it is	15:00:31
23	connected to the frame as recited in that Element	15:00:36
24	1.8?	15:00:42
25	MR. RONDINI: Objection, compound, vague,	15:00:43

1 misstates testimony. 15:00:44

2 A It says, "when connected," it doesn't say 15:00:47

3 where it is connected. So you are choosing, so you 15:00:50

4 are drawing points where they are connected, not 15:00:52

5 when they are connected. 15:00:55

6 So when connected doesn't tell you where 15:00:56

7 your inline is from. So to me, that's the seats are 15:00:58

8 inline, the kids themselves are inline and 15:01:01

9 descending, where the child sits is more the point. 15:01:07

10 You are doing a where, so you are drawing a 15:01:09

11 horizontal line between connection points. 15:01:11

12 Q And you believe it would be an inappropriate 15:01:49

13 interpretation of the claim to measure the -- 15:01:55

14 withdraw that. 15:02:07

15 How about, look at Claim Element 1.4. This 15:02:09

16 is the part where it talks about the first vertical 15:02:14

17 position. And 1.5 has -- there are these different 15:02:18

18 vertical positions that are recited. 15:02:24

19 1.4 says, "Seat attachment housing and a 15:02:26

20 second vertical position below the first vertical 15:02:33

21 position," right? So when you were opining about 15:02:37

22 the vertical positions of the seat attachment 15:02:41

23 housing coupled to the stroller frame, you were 15:02:44

24 evaluating those with respect to where the 15:02:50

25 connection is, right? 15:02:53

1	MR. RONDINI: Objection, compound, vague.	15:02:56
2	A Let's read those claim terms into the	15:03:02
3	record.	15:03:06
4	BY MR. THOMAS:	15:03:08
5	Q They are already in the record.	15:03:08
6	A I choose to read them again, so. So 1.3	15:03:16
7	states on Page 216 is, "a first seat coupled to the	15:03:24
8	stroller frame at a first vertical position of a	15:03:28
9	stroller frame wherein the first seat is disposed	15:03:31
10	closer to the handle portion than the front end	15:03:34
11	portion of a stroller."	15:03:38
12	So that identifies the handle portion which	15:03:40
13	is the back portion of the handle, so we can	15:03:44
14	identify where that is. I have shown that on Page	15:03:46
15	218 is a figure, and ultimately, that Page 220 that	15:03:57
16	you identified where the first vertical position	15:04:01
17	could be identified. Ultimately, on Page 218 shows	15:04:03
18	that first vertical position.	15:04:20
19	Q And that first vertical position you drew in	15:04:22
20	was the same place that I had drawn the horizontal	15:04:25
21	red line in terms of the inline descending	15:04:28
22	configuration, right? We drew the same place on	15:04:31
23	structure, correct?	15:04:35
24	MR. RONDINI: Objection, vague to the extent	15:04:37
25	it mischaracterizes testimony.	15:04:39

1           A     I have drawn it so it is relatively closer     15:04:44  
2     to the handle.  So it is a vertical position and it     15:04:47  
3     is closer to the handle.     15:04:49  
4           Another says, the first seated, 1.4 then is     15:04:51  
5     "a first seat attachment housing coupled to the     15:04:54  
6     stroller frame at a second vertical position of the     15:04:57  
7     stroller frame that is below the first vertical     15:04:59  
8     position wherein the first front wheel and second     15:05:02  
9     front wheel extend from the front end of the     15:05:05  
10    stroller."  
11           So 1.5 is a second seat attachment housing     15:05:09  
12    coupled to the stroller frame and a third vertical     15:05:13  
13    position of the stroller frame that is below the     15:05:17  
14    first vertical position wherein the third vertical     15:05:19  
15    position is closer to the frond end portion and the     15:05:22  
16    handle portion.     15:05:24  
17           So from understanding Liao's standpoint, you     15:05:28  
18    can see on my figure, annotated Figures 4 and 5 that     15:05:32  
19    I have shown where I interpret the first and second     15:05:39  
20    relative positions where they could be, in terms of     15:05:42  
21    coupling it along the frame itself, so from an     15:05:45  
22    inline descending, that would also mean inline     15:05:48  
23    descending as well.     15:05:51  
24           There is nothing really in terms of the talk     15:05:52  
25    about the exact length of the adapters.     15:05:57

1 BY MR. THOMAS:

2 Q So let's look at, I think you were just 15:06:03  
3 referring to Page 220 of your declaration. 15:06:06

4 A Yes. 15:06:09

5 Q Where you have the blue dotted lines, V1 and 15:06:09  
6 V2? 15:06:13

7 A Yes. 15:06:15

8 Q The simple question is, you drew V1 at 15:06:15  
9 basically the same place that I had when I was 15:06:22  
10 illustrating an alternative earlier on my 15:06:25  
11 annotation. That is basically the same location, 15:06:30  
12 right? 15:06:34

13 You don't have to agree with where I put it. 15:06:34  
14 I am just asking, we are talking about the same 15:06:36  
15 place on the stroller with the adapters, right? 15:06:38

16 MR. RONDINI: Objection, misstates 15:06:41  
17 testimony, two different limitations here. 15:06:44

18 MR. THOMAS: I didn't ask about the 15:06:46  
19 limitations, I am just asking about the lines 15:06:47  
20 that are drawn on the annotations. 15:06:49

21 MR. RONDINI: Same objection. 15:06:51

22 A I don't know. You drew a line on your 15:06:52  
23 sheet. I don't remember exactly where it was. 15:06:54

24 Q In any case, the line that you have drawn 15:07:00  
25 for V1 representing the first vertical position to 15:07:04

1 disclose the first vertical position, second 15:07:14  
2 vertical position and Element 1.4, that is a 15:07:16  
3 different line than the one you drew to illustrate 15:07:22  
4 how you believe Liao discloses Element 1.8, the 15:07:25  
5 seats in the inline descending configuration. You 15:07:31  
6 would agree with that, right? 15:07:36  
7 A It is a vector, it is a ray, yes. The 15:07:37  
8 horizontal blue lines are horizontal lines showing 15:07:40  
9 vertical positions. The other red line that I 15:07:45  
10 showed is just a vector ray shooting downward in a 15:07:47  
11 descending direction. In a vector ray, the 15:07:52  
12 beginning and end point doesn't really matter. It 15:07:55  
13 more of a direction, it is a directional type 15:07:57  
14 standpoint. 15:07:59  
15 Q But your vector ray is not horizontal like 15:07:59  
16 the line is. 15:08:03  
17 A We are talking on different points of the, 15:08:07  
18 so we are talking, horizontal lines are vertical 15:08:10  
19 positions. And those were discussions of Claims 15:08:14  
20 1.3, 1.4, 1.5. Before we were discussing 1.8. 15:08:17  
21 So we were discussing different points. You 15:08:24  
22 are trying to merge them, but they are different, 15:08:26  
23 they are different points within that claim. 15:08:28  
24 Q So I am trying to understand why your 15:08:30  
25 opinion is that they should be different points. 15:08:35

1 Why would a POSA not look to the same places where 15:08:39  
2 the seat is attached, right? We agreed that is 15:08:45  
3 where the seat is attached. Why would they not look 15:08:48  
4 at that in your opinion? 15:08:50  
5 MR. RONDINI: Objection, compound, misstates 15:08:51  
6 testimony. 15:08:53  
7 A I don't think I agree with your statement. 15:08:54  
8 I think you are making, I think -- I don't believe I 15:08:56  
9 made that position. 15:08:59  
10 BY MR. THOMAS:  
11 Q Perhaps I am just being forgetful. 15:09:08  
12 Articulate for me again why you drew the red line on 15:09:11  
13 Page 231 through the portions of the seat where the 15:09:16  
14 infant's buttocks would generally be located instead 15:09:21  
15 of through the top of the adapters. 15:09:25  
16 A I think it was to highlight the intent, to 15:09:31  
17 show that there is an inline, that Liao teaches, an 15:09:36  
18 inline descending configuration. 15:09:39  
19 The whole point of that was to highlight 15:09:41  
20 that, and that Liao teaches the POSITA, you could 15:09:43  
21 have an inline descending configuration with its 15:09:47  
22 design. 15:09:50  
23 Q Let's go to Page 225. 15:10:00  
24 A Of the '682 declaration? 15:10:06  
25 Q Of the '682 declaration. 15:10:08

		Page 159
1	A Okay.	15:10:10
2	Q And I am going to focus on the testimony	15:10:10
3	about Elements 1.6 and 1.7. You have identified,	15:10:17
4	you have mapped the seat attachment adapters to what	15:10:26
5	you have annotated as gold in your annotated figure	15:10:32
6	on Page 226, right? That's what you identified as	15:10:36
7	the first and second seat attachment adapters?	15:10:41
8	A We are getting some echoing here again from	15:10:44
9	someone. Can you state your question, Mr. Thomas?	15:10:48
10	Q Page 226, what you have pointed to as the	15:10:53
11	first and second seat attachment adapter and colored	15:11:01
12	gold, is the entire gold-shaded element the adapter	15:11:04
13	or only a portion of it?	15:11:08
14	A It is, the whole item is identified as gold.	15:11:10
15	You can see on Page 227 where I've clarified that,	15:11:23
16	identifying the whole end.	15:11:27
17	Q And then where is the attachment frame	15:11:31
18	member, the first and second attachment frame	15:11:35
19	members?	15:11:48
20	A If you go to Page 228, in that exhibit there	15:11:48
21	is identified, the attachment frame members are as a	15:12:06
22	portion of the adapters that enter into the housing	15:12:09
23	of the Liao stroller.	15:12:13
24	Q But which portion, what portion? Describe	15:12:16
25	it.	15:12:20

1           A       What's shown, if you want to pull up Figure       15:12:22  
2       228, it is identified there.                                       15:12:24

3           Q       I think you mean Page 228? I am looking at       15:12:27  
4       it. I want you to describe to me what you believe       15:12:30  
5       is the first and second attachment frame members.       15:12:36

6           A       Paragraph 380, there is some description of       15:12:58  
7       that, what I have stated as, "One or more portions       15:13:01  
8       of the adapter below would be understood as being       15:13:04  
9       the attachment frame member. Specifically, a POSITA       15:13:06  
10       would understand the first/second adapters are       15:13:10  
11       inserted into the first/second housings. To be       15:13:11  
12       inserted, a portion of the adapter, i.e., the frame       15:13:14  
13       member, would need to be spaced from but still below       15:13:17  
14       the first/second adapters to be coupled to the       15:13:22  
15       first/second housings. While I have indicated a       15:13:23  
16       given region of the adapter, a POSITA would       15:13:27  
17       understand the attachment frame member may vary from       15:13:29  
18       what I have annotated."                                       15:13:34

19          Q       In candor, I am not sure what it is you are       15:13:36  
20       pointing to or why you have selected that portion.       15:13:40  
21       You say it is a portion of the attachment frame       15:13:43  
22       member is a portion of the adapter. You have       15:13:48  
23       highlighted a portion.   15:13:51

24                    But then you say, I've indicated a given       15:13:52  
25       region, but it could be a different region. It       15:13:56

1 could vary from what you then annotated. So I am 15:13:59  
2 not clear. 15:14:02

3 And I would like for you to cart articulate 15:14:04  
4 why you picked that portion and how it could vary. 15:14:08  
5 What is the attachment frame member there? 15:14:11

6 MR. RONDINI: Objection, asked and answered. 15:14:16

7 A I guess I've given you a configuration and a 15:14:28  
8 -- if you want, I could spend some more time giving 15:14:33  
9 you an alternate indicating description. But you 15:14:35  
10 seem to be want to be short on time. 15:14:38

11 So if you want, I could do some further 15:14:40  
12 analysis of Liao and the situation and take some 15:14:42  
13 more time on that. I have written a position here 15:14:46  
14 for you. I would have to think more about an 15:14:48  
15 alternate configuration or description for you. 15:14:50

16 BY MR. THOMAS: 15:14:53

17 Q You apparently thought about it before, 15:14:53  
18 because you talked about it in Paragraph 380, right? 15:14:56

19 A Yes, at that point in time when I was 15:14:59  
20 involved in the creation of that paragraph, I spent 15:15:01  
21 a lot of time. Like I said, all the details of that 15:15:04  
22 thought are not fresh on the top of my memory right 15:15:07  
23 now, so I guess -- 15:15:10

24 Q And I -- 15:15:13

25 A No, I could do another assessment. I would 15:15:14

1 just have to do a further analysis. And if you 15:15:16  
2 wish, I could go spend some time doing that if you 15:15:19  
3 would like. 15:15:22

4 Q And looking at your direct testimony, and 15:15:22  
5 through the questions we have asked, you are not 15:15:25  
6 able to articulate how or why you chose the portion 15:15:27  
7 that you did. That's what I've asked you to do, but 15:15:30  
8 you are not going to do that unless -- is that 15:15:34  
9 correct? 15:15:37

10 MR. RONDINI: Objection, harassing, 15:15:38  
11 misstates testimony. 15:15:41

12 A Like I said, there is a figure that is shown 15:15:42  
13 that shows a region, and it says that can vary, it 15:15:44  
14 might be able to vary slightly or vary. But I have 15:15:48  
15 given you an assessment. 15:15:51

16 I feel like that answers your question. I 15:15:52  
17 guess I am not quite understanding what else you are 15:15:56  
18 looking for. That's why I would have to go back and 15:15:58  
19 do a further assessment, think about your question 15:16:00  
20 in more detail of an alternate way of maybe it could 15:16:04  
21 be viewed. 15:16:08

22 I've given you a position. You are asking 15:16:08  
23 for an alternate one and I have to think if there is 15:16:10  
24 an alternate one or not. 15:16:14

25 BY MR. THOMAS: 15:16:14

1 Q Let me make sure my question is clear 15:16:14  
2 because maybe we've got a miscommunication. 15:16:17

3 I am not understanding what you mean by the 15:16:19  
4 words you wrote in your declaration, your direct 15:16:24  
5 testimony. And I am asking for you to try and help 15:16:27  
6 me understand by explaining how and why you 15:16:30  
7 identified that portion as the attachment frame 15:16:39  
8 member. 15:16:42

9 A There is some further discussion in 15:17:01  
10 Paragraphs 381, 382, 383, ultimately all the way to 15:17:02  
11 384. And there is some additional stuff as Exhibit 15:17:08  
12 1019, the '568 file history, that talks about it. 15:17:15

13 There is some additional, on this whole 15:17:25  
14 section of adapters, so starting kind of on 15:17:28  
15 Paragraph 379 through Paragraph 384 has a discussion 15:17:34  
16 on that through which we can read these into the 15:17:41  
17 record if you would like that may contain to support 15:17:44  
18 the question that you are asking. 15:17:46

19 Q I am looking, I did a word search here. And 15:17:51  
20 from 380 down to, you talk about attachment frame 15:17:55  
21 members in Paragraph 380 and you identify them, you 15:17:59  
22 draw them. But then you don't mention a frame 15:18:05  
23 member again until the top of Page 230 towards the 15:18:08  
24 end of Paragraph 383 where you say, "The examiners 15:18:12  
25 find that the adapters are likewise removable, 15:18:19

1 confirms my understanding that Liao teaches 15:18:22  
2 attachment frame members that are spaced from and 15:18:26  
3 coupled to the housings." 15:18:27

4 So I don't think is it is necessary. I 15:18:29  
5 don't understand why you would point to just more 15:18:31  
6 explanation that doesn't talk about frame members to 15:18:34  
7 help me understand why you chose those as the frame 15:18:37  
8 members. Can you help me understand that? 15:18:41

9 A I am unable to give you at this point this 15:18:44  
10 time without doing a deeper refresh of my memory as 15:18:47  
11 to why I have annotated them the way that I did. I 15:18:52  
12 would have to do a little deeper research to further 15:18:55  
13 define that with clarity for you. 15:18:58

14 Q If the entire gold-shaded element is the 15:19:00  
15 adapter, as you testified, and the portion of it is 15:19:03  
16 also the attachment frame member, as you testified, 15:19:08  
17 then how is the adapter spaced from and coupled to 15:19:12  
18 the first seat attachment housing by a portion of 15:19:17  
19 itself? 15:19:20

20 A Which claim terms are you reading in this 15:19:39  
21 chart? 15:19:42

22 Q The same claim terms we have been talking 15:19:42  
23 about, 1.6 and 1.7. 15:19:44

24 A So if you if take a look at Paragraph 380, 15:21:08  
25 maybe this will help you a little bit in defining 15:21:11

1 these for you a little more in your mind. Paragraph 15:21:16  
2 380, there is a discussion about, on Page 227, that 15:21:18  
3 one or more portions of the adapter as shown would 15:21:23  
4 be understood as being the attachment frame member. 15:21:28  
5 Specifically, a POSITA would understand the 15:21:30  
6 first/second adapters are inserted into the 15:21:32  
7 first/second housings. To be inserted, a portion of 15:21:37  
8 the adapter, i.e., the frame member, would need to 15:21:37  
9 be spaced from but still allow the first/second 15:21:40  
10 adapters to be coupled to the first/second housings. 15:21:45  
11 And so once the adapters are inserted, they are 15:21:52  
12 coupled to the housing screen using a pair of 15:21:54  
13 latches, purple as I have shown. 15:21:58  
14 I show that one side, Figure 4 with the 15:21:59  
15 latches visibly present on the opposite side of Liao 15:22:03  
16 stroller Figure 5. 15:22:05  
17 Q Is that your complete answer? 15:22:11  
18 A Probably pause for now, yes. I am going to 15:22:13  
19 continue just kind of looking through. 15:22:18  
20 Q I am going to note for the record that to 15:22:20  
21 answer the question, you paused for about two 15:22:22  
22 minutes before largely reading. You were reading 15:22:25  
23 from the direct testimony in your declaration, 15:22:31  
24 right? 15:22:36  
25 A Yes, I was reading from my declaration. 15:22:36

1           Q       So how can the adapter, in your opinion,           15:22:41  
2           your testimony, the adapter is, a portion of the           15:22:47  
3           adapter is the attachment frame member. That's what           15:22:53  
4           that says. So how can an adapter be spaced from and           15:22:56  
5           coupled to a portion of an adapter, the same           15:23:04  
6           adapter?           15:23:08

7           A       There is some extra bracketry that is           15:23:09  
8           attached, and it is ultimately seen that is where it           15:23:28  
9           attached to the housing and to the stroller. And it           15:23:29  
10          is ultimately in the space and ultimately -- so I           15:23:32  
11          first see attachment adapter space from and coupled           15:23:40  
12          to, so from my understanding, the space is to allow,           15:23:43  
13          so you don't have to have like a hammer, you know,           15:23:47  
14          it not a press fit. So it is attached to that           15:23:49  
15          allows some removal of as well.           15:23:53

16          Q       So you are reading the gold element of Liao           15:23:57  
17          onto both the adapter and the attachment frame           15:24:04  
18          member that is spaced from and coupled to the           15:24:09  
19          adapter? It is that same structure satisfying two           15:24:14  
20          different claim elements, right?           15:24:21

21               MR. RONDINI: Objection, vague, and also           15:24:27  
22               calls for legal conclusion.           15:24:28

23          A       I guess what I can tell you is the           15:24:35  
24          assessment that I have done is in text and it is           15:24:37  
25          shown in the figure. So I don't really have any           15:24:38

1 further context for you on your question at this 15:24:41  
2 point in time. 15:24:44  
3 MR. THOMAS: We are going to turn to a 15:24:47  
4 different topic. Would this be a good time for a 15:24:48  
5 bio break? 15:24:51  
6 MR. RONDINI: It has been an about an hour, 15:24:54  
7 I think. 15:24:56  
8 MR. THOMAS: Let's go off the record. 15:24:57  
9 (A recess was taken at 3:24 p.m. for six 15:25:11  
10 minutes.) 15:25:13  
11 MR. THOMAS: On the record. 15:30:32  
12 BY MR. THOMAS: 15:30:33  
13 Q Now we are going to talk about the '771 15:30:33  
14 declaration. I will close my '682. If you would 15:30:38  
15 turn to Page 141 of the '771 declaration, Paragraph 15:30:56  
16 249. 15:31:04  
17 A 141, is that what you said? 15:31:06  
18 Q Correct. 15:31:12  
19 A Okay. 15:31:16  
20 Q This is describing the Gotting reference? 15:31:16  
21 A Yes, this is the overview of Gotting. 15:31:23  
22 Q Looking at the adapters 12 of Gotting -- 15:31:28  
23 MR. THOMAS: Actually, can we go off the 15:31:37  
24 record for just a second? 15:31:39  
25 (Discussion ensued off the record.) 15:31:40

1 MR. THOMAS: Back on the record. Sorry 15:32:13  
2 about that. 15:32:15  
3 BY MR. THOMAS: 15:32:16  
4 Q So that overview of Gotting, actually scroll 15:32:19  
5 down to Page 142 where you show the closeup of 15:32:22  
6 Gotting, Figure 2. 15:32:25  
7 A Yes. 15:32:29  
8 Q At the top of that page, Paragraph 249, you 15:32:29  
9 say, "The adapters 12 are removably attached to the 15:32:33  
10 frame 13 and are attached at a vertical offset at 15:32:38  
11 points 15, 16." 15:32:42  
12 A I see the line that you just read. 15:32:49  
13 Q This is, candidly, I think, I think that's a 15:32:51  
14 mistake, but maybe you will tell me that's wrong. 15:32:58  
15 Did you mean to say that the seats are attached at 15:33:01  
16 the vertical offsets at points 15, 16? 15:33:05  
17 A Let me read the context to answer your 15:33:08  
18 question. 15:33:21  
19 Q It may be useful to look at the citations 15:33:22  
20 you provided there to Gotting, particularly Gotting, 15:33:26  
21 I would say Gotting Paragraph 12. 15:33:31  
22 I read your testimony as saying the adapters 15:34:51  
23 12 are attached at vertical offset at points 15 and 15:34:55  
24 16 to the frame. That's how I read it, and I am 15:35:01  
25 trying to understand if I read that correctly or if 15:35:06

1	I am misreading it?	15:35:09
2	A No. There is from -- let me make sure. I	15:35:11
3	will go through, like I said, I am trying to make	15:35:14
4	sure I answer your question correctly.	15:35:16
5	Limited figures in this patent, so you have	15:35:28
6	to read a lot of the text to put the context	15:35:30
7	together.	15:35:33
8	Q I am going to find another -- maybe if you	15:35:33
9	look at Page 231 of your declaration, Paragraph 447,	15:35:40
10	449, and actually Paragraph 451, you say, "Gotting	15:35:53
11	discloses left and right seated adapters 12 have	15:36:01
12	connecting points 15 and 16 for connecting the seats	15:36:04
13	10 and 11."	15:36:08
14	A If you look at kind of Exhibit 1041, there	15:36:10
15	is 15, 16. So that's where that structure attaches	15:36:14
16	to the frame. And then seats, the first seat and	15:36:19
17	second seat attach in 15 and 16.	15:36:23
18	Q So the seats go on to 16 and 15 of 12, the	15:36:26
19	adapter 12?	15:36:31
20	A Yes.	15:36:32
21	Q And then the adapter 12 attaches to the	15:36:32
22	frame 13 at the slots kind of in the middle?	15:36:36
23	A Correct.	15:36:41
24	Q That you label connector portion on Page	15:36:41
25	232?	15:36:45

1           A       Yes, so if you take a look at, like you           15:36:47  
2       said, Page 226, you will see 16, 15. I label,           15:36:49  
3       identify first seat, second seat and then you will       15:36:57  
4       see that kind of along the middle of that, brackets     15:36:59  
5       where it is attached to the frame as you kind of       15:37:02  
6       look at, see if I can figure if that helps with       15:37:07  
7       that.   15:37:13  
8           Q       I think we are on the same page now.       15:37:15  
9           A       Okay.   15:37:17  
10          Q       We just sort of talked about how the seats     15:37:17  
11       connect to the adapter, the adapter connects to the     15:37:20  
12       frame, okay?   15:37:22  
13          A       Correct.                                       15:37:24  
14          Q       So let's go to Page 199, Element 1.0. And     15:37:24  
15       that element is, it is a stroller convertible from a     15:37:36  
16       single-seat configuration to a double-seat           15:37:39  
17       configuration?                                       15:37:42  
18          A       I want to apologize. You are reading from     15:37:42  
19       the patent or from --                               15:37:44  
20          Q       Page 199.                                       15:37:46  
21          A       Okay, I am there now.                       15:37:48  
22          Q       So we are talking, the stroller is           15:37:51  
23       convertible from a single-seat configuration to a     15:37:53  
24       double-seat configuration.                       15:37:57  
25          A       Yes.   15:37:57

1           Q     And you say that Gotting discloses a           15:37:58  
2     stroller has a single-seat configuration.  And I           15:38:04  
3     just want to talk about, make sure I understand what    15:38:08  
4     configuration you are talking about when you say the    15:38:12  
5     single-seat configuration.                                   15:38:15  
6                 And that is, you were referring to the           15:38:17  
7     configuration where the adapters 12 of Gotting are       15:38:20  
8     already attached to the frame, but there is only one    15:38:24  
9     seat sitting on the adapter 12 at either position 15    15:38:28  
10    or 16, correct?   15:38:33  
11                 MR. RONDINI:  Objection, vague.               15:38:41  
12           A     To read what I have stated there, Paragraph    15:38:48  
13    381, that is just some more legalese from the            15:38:51  
14    preamble.  But if you go to Paragraph 382, I state,      15:38:56  
15    "Gotting discloses a stroller that is convertible        15:39:00  
16    from a single-seat configuration to a double-seat        15:39:02  
17    configuration.  Gotting discloses the stroller has a    15:39:04  
18    single-seat configuration.  The Gotting stroller can      15:39:07  
19    further be utilized in a double-seat configuration        15:39:11  
20    to accommodate two children.  The design of the          15:39:13  
21    stroller makes it possible to place just one seat in      15:39:23  
22    the frame that can be used for a single child."          15:39:28  
23                 I think that's an excerpt directly from        15:39:32  
24    Gotting.    15:39:35  
25           Q     It is.  You have quoted from it.  I am        15:39:35

1 asking you, what does it look like when you've got 15:39:38  
2 the single-seat configuration that you have 15:39:41  
3 identified? 15:39:44  
4 You are starting from a single-seat 15:39:44  
5 configuration. So what is that configuration? 15:39:47  
6 A If you go down to Paragraph 383, there is 15:39:48  
7 some discussion around that. It says, "To add the 15:39:53  
8 second seat, the seat is attached to adapters 12 on 15:39:55  
9 the support frame. Exhibit 1041," as cited by 15:39:58  
10 Gotting. "It is clear to a POSITA that in adding 15:40:04  
11 this second seat, the Gotting stroller is converted 15:40:06  
12 from a single seat configuration to a double seat 15:40:08  
13 without increasing the footprint of the stroller." 15:40:11  
14 So "In other words, the wheelbase does not 15:40:15  
15 change. Indeed, Gotting discloses a basket 19 that 15:40:17  
16 remains mounted on both axles when in operation 15:40:20  
17 which would prevent any enlargement of the 15:40:24  
18 footprint." 15:40:26  
19 Q So in your single-seat configuration, you 15:40:27  
20 are starting with the adapters 12 are attached to 15:40:30  
21 the stroller, correct? 15:40:34  
22 A They could be. I don't know, let's see if 15:40:34  
23 that is exclusive. I don't know if I made the 15:40:38  
24 position that that is the exclusive position. 15:40:42  
25 Q This is the only position that you presented 15:40:43

1 in your testimony, correct? That's what I am -- 15:40:44  
2 sorry for interrupting, but this is actually what I 15:40:49  
3 am trying to understand is, clarify what is the 15:40:51  
4 single-seat configuration that you were starting 15:40:55  
5 with. 15:40:58

6 A I guess I feel like I've addressed the 15:41:02  
7 analysis of the claim that the Gotting reference 15:41:05  
8 basically addresses, the single-seat configuration 15:41:11  
9 to a double seat without increasing the footprint. 15:41:16  
10 So using the adapter, I feel it could meet that 15:41:18  
11 limitation. 15:41:20

12 Q Right, that's what your testimony is, 15:41:23  
13 starting with the adapter installed onto the frame, 15:41:26  
14 adapter 12 installed onto the frame and you've got 15:41:31  
15 only one seat attached to the adapter 12, that is 15:41:34  
16 the single-seat configuration that you started with 15:41:38  
17 in your testimony. 15:41:41

18 MR. RONDINI: I object to the extent it 15:41:47  
19 misstates testimony. 15:41:49

20 A I guess I will state that what I have shown 15:42:14  
21 includes the bracket and could have a single seat or 15:42:17  
22 a double seat on it. 15:42:20

23 BY MR. THOMAS: 15:42:22

24 Q And the proposed combination and mapping to 15:42:22  
25 the claim does not start with a single-seat 15:42:26

1 configuration where the adapters 12 are not attached 15:42:29  
2 to the frame yet, right? 15:42:32  
3 MR. RONDINI: Objection, vague, calls for a 15:42:35  
4 legal conclusion. 15:42:38  
5 A Can you please restate your question again? 15:42:59  
6 Q Sure, I will withdraw that question and try 15:43:01  
7 it a different way. 15:43:03  
8 Your testimony is that the Britax reference, 15:43:05  
9 Exhibit 1048 in the 1140 IPR, illustrates the same 15:43:11  
10 frame and folding mechanism as the stroller shown in 15:43:16  
11 Gotting. That's at Paragraph 400, Page 208 that I 15:43:20  
12 was quoting from. 15:43:26  
13 A I am not sure I understand your question. 15:43:29  
14 Q Britax illustrates the same frame and 15:43:32  
15 folding mechanism for the stroller as Gotting, 15:43:36  
16 correct? 15:43:41  
17 A The Britax is a reference from the Gotting. 15:43:41  
18 From my understanding, they are the same ventures, 15:43:51  
19 different companies involved, or maybe the same 15:43:54  
20 company, I can't remember. But there is a common 15:43:56  
21 inventor involved and one references the other 15:43:59  
22 patent. 15:44:02  
23 There were some features from both that were 15:44:04  
24 combined. So it is a combination. 15:44:06  
25 Q And if you took the adapters 12 off of 15:44:09

1 Gotting, okay, you are going to unassemble this 15:44:14  
2 thing and take the adapters that can kind of connect 15:44:18  
3 into the frame 13, you can take those off, right? 15:44:20  
4 A It is my understanding from reading the 15:44:23  
5 patent that they could be removable, yes. 15:44:28  
6 Q And if you did remove them, it would look 15:44:30  
7 just like the stroller disclosed in Britax Figure 1, 15:44:35  
8 right? 15:44:40  
9 A No, there are some differences between them. 15:44:41  
10 I think there are some differences between them. I 15:44:55  
11 don't remember all the details that are different. 15:44:59  
12 There are some similarities but there are 15:45:02  
13 some differences. I don't know if I've gone through 15:45:04  
14 and identified all the differences between the two. 15:45:07  
15 Q You did opine that it is the same frame and 15:45:08  
16 folding mechanism, at least, right? 15:45:11  
17 A Let me reference, I can't remember exactly I 15:45:13  
18 know there are some similarities but I can't 15:45:17  
19 remember everything that was similar at this point. 15:45:20  
20 Q With taking your direct testimony as true at 15:45:34  
21 least at the time you submitted this declaration, 15:45:37  
22 you believed then that Britax illustrated the same 15:45:40  
23 frame and folding mechanism. So assume that opinion 15:45:43  
24 was true at the time. 15:45:47  
25 If you took the adapters off of the Gotting 15:45:48

1 reference, it would look like the Britax reference 15:45:52  
2 at least in terms of the frame and folding 15:45:57  
3 mechanism, correct? 15:46:00  
4 A Yes, if you took those, yes, you took the 15:46:00  
5 adapters 12 off that are in there, it would be on 15:46:12  
6 the frame of Britax. 15:46:15  
7 Q And then a POSA would know that you could 15:46:16  
8 attach a seat to the Britax stroller as well in 15:46:22  
9 Exhibit 1048, right? 15:46:26  
10 A Yes, a seat can be attached to the system 15:46:28  
11 shown in Figure 1 of the Britax exhibit. 15:46:37  
12 Q And that would be a single-seat 15:46:40  
13 configuration of the stroller shared between Britax 15:46:42  
14 and Gotting, correct? 15:46:45  
15 A Yes, in the configuration that you just 15:46:47  
16 described, that would be a single-seat 15:46:53  
17 configuration. 15:46:57  
18 Q And that is not the configuration, the 15:46:57  
19 single -- start over. 15:47:01  
20 And that is not the single-seat 15:47:02  
21 configuration that you started with when mapping 15:47:05  
22 Claim 1 of the '771 patent onto the prior art, 15:47:08  
23 correct? 15:47:12  
24 A It is definitely a plausible scenario. 15:47:33  
25 Q It is a plausible scenario, but it is not 15:47:37

1 the one that you chose for your testimony, correct? 15:47:39

2 A I don't remember right now. It was 15:47:43

3 definitely a plausible scenario. It is a scenario 15:47:50

4 that could be used for a single child. 15:47:53

5 But for the double seat, absolutely, those 15:47:55

6 side plate adapters need to be utilized. 15:48:00

7 Q And in the mapping that you have done and 15:48:04

8 the opinions you have provided in your declaration, 15:48:07

9 the adapters 12 are required because that was your 15:48:10

10 starting point of the single-seat configuration with 15:48:13

11 the seat attached to the adapter 12, right? 15:48:16

12 MR. RONDINI: Objection to the extent it 15:48:20

13 misstates his testimony. 15:48:24

14 A I guess I will state that either 15:48:25

15 configuration is possible for the single seat, so 15:48:28

16 for a double seat, it does take the adapters to make 15:48:32

17 a double-seat configuration. 15:48:35

18 BY MR. THOMAS: 15:48:38

19 Q And all of the opinions you have offered in 15:48:38

20 this proceeding start with the single-seat 15:48:41

21 configuration where the adapter is on the frame and 15:48:45

22 the first seat is on the adapter 12? 15:48:47

23 MR. RONDINI: Objection, misstates 15:48:51

24 testimony. 15:48:52

25 A There is an echo, Mr. Thomas, and I couldn't 15:48:58

1 catch everything that you said. 15:49:01

2 BY MR. THOMAS: 15:49:02

3 Q And all of the opinions you have offered in 15:49:02

4 this proceeding start with the single-seat 15:49:04

5 configuration where the adapter is on the frame and 15:49:07

6 the first seat is on the adapter 12? 15:49:11

7 MR. RONDINI: Objection, misstates 15:49:17

8 testimony. 15:49:19

9 A I don't believe all the opinions, I know 15:49:20

10 like for some of the folding mechanism and some of 15:49:22

11 that, I rely on the previous Britax to provide some 15:49:26

12 further detail with regards to the claim terms. 15:49:30

13 BY MR. THOMAS: 15:49:34

14 Q But that would still be describing how the 15:49:34

15 convertible single to double stroller of Gotting is 15:49:38

16 understood by a POSA or combined with Britax to have 15:49:44

17 that same folding mechanism, right? 15:49:48

18 MR. RONDINI: Objection, vague. 15:49:50

19 A You said everything. Every time you say 15:49:53

20 that I have to think, you know, that I have 15:49:56

21 referenced both and I would have to go through and 15:49:57

22 read my full section here to tell you whether all 15:50:01

23 the configurations of the two that I used and how 15:50:05

24 each was referenced. 15:50:09

25 Q Let's jump down to Paragraph 446. It is 15:50:13

1 Page 230. So in 446 to 448, we touched on this a 15:50:32  
2 bit ago, you are explaining here how the adapter 12 15:50:48  
3 attaches to the frame of Gotting. And you 15:50:57  
4 illustrate on Page 232 a connector portion as part 15:51:02  
5 of your pipe mapping, but it is those slots that's 15:51:07  
6 where the adapter attaches to the stroller, right? 15:51:13  
7 A Yes, on Page 232 there is connector portions 15:51:16  
8 and that is where it attaches to a structure on the 15:51:25  
9 frame assembly. 15:51:31  
10 Q I think you referred to that as a support 15:51:32  
11 bar on Page 231, referring to the Britax Figure 1, 15:51:35  
12 correct? That's where the adapter attaches -- 15:51:40  
13 A Yes, on Page 231 there is a support bar that 15:51:56  
14 I annotate as shown on the second half, top half of 15:52:04  
15 Page 231. 15:52:09  
16 Q Now flip back to Page 218. And I am going 15:52:12  
17 to direct your attention to the modified and 15:52:20  
18 annotated Gotting Figure 1 that you have provided. 15:52:24  
19 A Okay. 15:52:31  
20 Q So the support bar, although it is obscured 15:52:31  
21 by some of the annotations, the support bar is there 15:52:35  
22 about where your V1 prime is pointing to in that 15:52:39  
23 dashed line, dashed horizontal line, right? 15:52:44  
24 A Yes, that V1 on Page 218, V1 prime is about 15:52:50  
25 where the support bar is. 15:52:54

1 Q And that is also then where the adapter 12 15:52:56  
2 is attached, at that horizontal line next to V1 15:52:59  
3 prime, right? 15:53:05  
4 A That's right. That's where Gotting's 15:53:05  
5 adapter 12 is attached, correct. 15:53:09  
6 Q And your opinions here with this B1 and W1 15:53:11  
7 prime, you basically presented two alternative 15:53:20  
8 positions about how the first vertical position 15:53:25  
9 could be mapped onto Gotting, right? 15:53:27  
10 The first is -- sorry, I will just -- let's 15:53:33  
11 see if we can walk through them quickly. The first 15:53:36  
12 is saying that the location that you have identified 15:53:38  
13 at V1, that would be the first vertical position of 15:53:43  
14 the claim limitation, right? 15:53:48  
15 A I think what I state in there, it says, "In 15:54:06  
16 my opinion, either V1 or V1 prime could meet the 15:54:08  
17 first vertical position of the claim. Both V1 and 15:54:11  
18 V1 prime are closer to the handle portion than the 15:54:15  
19 front end portion," is what I state in there. 15:54:17  
20 Q So those are alternative ways that you 15:54:19  
21 believe a POSA would think that Gotting combined 15:54:22  
22 with Britax discloses the first vertical position? 15:54:26  
23 A Yes, I agree that's what I've stated in my 15:54:30  
24 declaration. 15:54:33  
25 Q In both those cases, the vertical position 15:54:33

1 is, in your opinion, closer to the handle portion 15:54:38  
2 than the front end portion? 15:54:41  
3 A Yes, that is true. 15:54:44  
4 Q And you make that conclusion by comparing 15:54:46  
5 the D lines, D1 and D1 prime, corresponding to V1 15:54:50  
6 and V1 prime; is that right? 15:54:58  
7 A Yes, it is a general statement that I make, 15:55:05  
8 correct. 15:55:10  
9 Q So D1 goes from -- withdraw that question. 15:55:11  
10 Let me start over. 15:55:18  
11 The top of your lines D1 and D1 prime, they 15:55:19  
12 terminate at the same location which is a line you 15:55:23  
13 drew from the bottom of and perpendicular to what 15:55:26  
14 you have labeled the handle portion, fair? 15:55:30  
15 A Yes, within that image I've labeled the 15:55:32  
16 handle portion as a starting point for a relative 15:55:37  
17 dimension. 15:55:40  
18 Q For both D1 and D1 prime? 15:55:40  
19 A Yes, that is true. 15:55:43  
20 Q And then you've got D2 and D2 prime 15:55:44  
21 corresponding to the second vertical position, the 15:55:48  
22 distances for the second vertical position. And the 15:55:52  
23 bottom end points of D2 and D2 prime are also the 15:55:55  
24 same, right? 15:55:59  
25 A I disagree. I refer to it as a baseline 15:55:59

1 point of D1 -- D2 prime and D2 are at the same, or 15:56:09  
2 relative from the same line. 15:56:13  
3 Q And that is a line perpendicular to the 15:56:15  
4 frame extending from the axle of the front wheel, 15:56:18  
5 fair? 15:56:23  
6 A I would say that be would a fair assessment, 15:56:23  
7 yes. 15:56:26  
8 Q For you for D1 and D2, let's compare just 15:56:37  
9 the D1 and D2, not the prime versions. When you are 15:56:43  
10 comparing those you measure the bottom part of D1 15:56:49  
11 from a line extending perpendicular from the front 15:56:57  
12 portion of the connecting point 16. Do you see 15:57:02  
13 that? Is that fair characterization? 15:57:05  
14 A I don't know if it is a front point. I 15:57:07  
15 guess it is, I would call, it is a point along the 15:57:18  
16 line. 15:57:22  
17 Q It is at the far left side of the line you 15:57:22  
18 have illustrated as V1, right? 15:57:26  
19 A Yes, I guess there is a line there and then 15:57:28  
20 those two intersect. 15:57:38  
21 Q But your prime lines, now when we are based 15:57:47  
22 on the prime, the second pair of comparisons, when 15:57:52  
23 you do the distances, D1 prime and D2 prime, you 15:57:56  
24 measure those from the back part or the rightward 15:58:00  
25 side of the V1 prime line, correct? 15:58:10



1	to, I am going to draw a little circle, if I can.	15:59:46
2	You have a line perpendicular. You see the yellow	15:59:55
3	circle that I drew?	15:59:58
4	A I see the yellow circle you drew.	15:59:59
5	Q And that's at the left side of your V1 line,	16:00:01
6	correct?	16:00:05
7	A Okay.	16:00:05
8	Q And then you have a perpendicular dashed	16:00:08
9	line, a line perpendicular to the frame extending	16:00:11
10	from that yellow circle point. And that dashed line	16:00:14
11	is where you use to compare your D1 and your D2,	16:00:19
12	correct?	16:00:24
13	A Yes, that line is, yes, it is used for	16:00:24
14	pictorial purposes.	16:00:35
15	Q And now I am going to draw a red circle	16:00:35
16	around this point on your line, V1 prime, the	16:00:40
17	alternative first vertical position. And do you see	16:00:47
18	the red circle that I am talking about?	16:00:52
19	A Yes, I see the red circle you are referring	16:00:54
20	to.	16:00:57
21	Q And that is not at the left side of the line	16:00:57
22	V1 prime like the yellow circle was for V1.	16:01:00
23	MR. RONDINI: Objection, vague.	16:01:06
24	A So I see the circles that you have drawn. I	16:01:18
25	am not quite understanding where you are headed here	16:01:20

1	yet, but.	16:01:22
2	BY MR. THOMAS:	16:01:23
3	Q I am going to draw an orange circle. Do you	16:01:23
4	see the orange circle?	16:01:29
5	A Yes, I see your orange circle.	16:01:30
6	Q And that orange circle is drawn at the left	16:01:35
7	side of the connector and your V1 prime line, right?	16:01:39
8	A Okay.	16:01:46
9	Q And relative to the two connectors, there is	16:01:48
10	connector 16, and connector V1 prime is connector	16:01:55
11	15. And relative to the two connectors you have	16:01:58
12	drawn the, your D1 lines are with reference to the	16:02:02
13	point at the left side of the connector 16, but your	16:02:09
14	D2 -- sorry, your prime lines are relative to the	16:02:14
15	right side of the connector 15. You didn't choose	16:02:20
16	the same side for both connectors.	16:02:24
17	A Okay, point being?	16:02:34
18	Q My point being is why, why did you choose	16:02:37
19	them differently?	16:02:39
20	MR. RONDINI: Objection to the extent it is	16:02:42
21	asked and answered.	16:02:44
22	A Ultimately I went along the frame, and so	16:03:47
23	the circle you have in yellow and in red, I would	16:03:52
24	say, are, the first seat release that connected to a	16:03:57
25	frame and at first vertical position that is closer	16:04:02

1 to the handle portion -- let me just pause here. I 16:04:09  
2 am just reading through. 16:04:14  
3 So if you look at the claim that we are in 16:04:16  
4 discussion about right now, it is Claim 1.4. 1.4 16:04:18  
5 states, "A first seat releasably connected to the 16:04:23  
6 frame at a first vertical position that is closer to 16:04:26  
7 the handle portion than the front end portion, the 16:04:30  
8 first seat being connectable to the frame in either 16:04:34  
9 a forward or backward facing position to form the 16:04:37  
10 single-seat configuration." 16:04:41  
11 So in terms of, if you are looking at it 16:04:43  
12 from the frame standpoint, arbitrarily along the 16:04:54  
13 frame, the yellow and red are along the upper frame. 16:04:58  
14 And so that would be a common point to take a 16:05:01  
15 dimension from, a relative dimension from. 16:05:04  
16 Q But as we discussed at least as to the 16:05:10  
17 adapter 12, the point where it is coupled to the 16:05:15  
18 stroller frame is actually like multiple points 16:05:18  
19 along the line V1 prime, right? 16:05:22  
20 MR. RONDINI: Objection, relevance. 16:05:30  
21 A But the upper frame of the foldable portion 16:05:38  
22 is basically the intersection point that those lines 16:05:41  
23 are drawn at. 16:05:44  
24 BY MR. THOMAS: 16:05:50  
25 Q I am sorry, I don't follow what you mean by 16:05:50

1 that. 16:05:52

2 A There is an upper foldable handle portion 16:05:53

3 that the diagonal line that the handle is attached 16:05:57

4 to the upper handle. So the upper frame portion 16:06:01

5 that pivots ultimately, if you go along that, that's 16:06:05

6 where the intersection point is taken from. 16:06:09

7 Q But the seats aren't attached to the frame 16:06:11

8 13 at either of those yellow or red points, they are 16:06:19

9 attached to those horizontal slots 15 and 16 on the 16:06:23

10 adapters 12, right? 16:06:32

11 MR. RONDINI: Objection, vague. 16:06:37

12 A I guess my position is that that's a 16:06:47

13 diagram. That item 16 is ultimately, is closer to 16:06:52

14 the handle portion where the seat attaches. 16:06:58

15 BY MR. THOMAS: 16:07:10

16 Q I am going to do one more illustration. You 16:07:10

17 can see my annotations, right? 16:07:15

18 A Yes. 16:07:19

19 Q And you see I am drawing an orange line from 16:07:22

20 the left side of the V1 prime line, right? 16:07:25

21 A I see the line you just drew. 16:07:29

22 Q So it is the same type of dashed line that 16:07:33

23 you have shown for your D1 and D prime measurements, 16:07:36

24 but I have put it in a different location. I put it 16:07:42

25 at the front end of V1 prime. 16:07:44

1           We will call this D2 double prime. So D2           16:07:47  
2 double prime would be from this orange line down to           16:07:58  
3 your line at the bottom of the stroller by the           16:08:02  
4 wheel, and the D1 double prime would be from the           16:08:04  
5 orange line up to the top by the handle. Does that           16:08:08  
6 make sense?           16:08:12  
7           A       I think I am following you.           16:08:12  
8           Q       So if you do that, just assume that you are           16:08:16  
9 measuring from that location. If you did that, then           16:08:22  
10 D1 double prime would be greater than D2 double           16:08:29  
11 prime, right?           16:08:37  
12           MR. RONDINI: Objection, incomplete           16:08:46  
13 hypothetical.           16:08:49  
14           A       That is not the assessment I made.           16:08:49  
15 BY MR. THOMAS:           16:08:51  
16           Q       I understand that that is not the assessment           16:08:51  
17 that you made. Under the assessment that I am           16:08:53  
18 directing you to make, you agree that D1 double           16:08:56  
19 prime is greater than D2 double prime?           16:08:59  
20           MR. RONDINI: Same objection.           16:09:03  
21           A       I guess I am just going to stand with,           16:09:06  
22 that's not the assessment that I made. That is your           16:09:08  
23 assessment.           16:09:11  
24           Q       I am asking, I didn't make an assessment, I           16:09:11  
25 am asking you a question. In this illustration that           16:09:14

1 I have sort of mocked up here, I will even kind of 16:09:18  
2 draw this and this, that's D2 double prime and D1 16:09:21  
3 double prime, you said you understood that part, 16:09:31  
4 right, that illustration with that labeling? You 16:09:34  
5 had no problem understanding that, correct? 16:09:38  
6 A I am leaning towards, I mean, I understand 16:09:40  
7 where you are heading in your assessment. I don't 16:09:44  
8 have to agree with your assessment, but you are 16:09:46  
9 making your own assessment. And I am just letting 16:09:48  
10 you know I don't agree with your assessment. 16:09:50  
11 Q I understand that you don't. So you do not 16:09:53  
12 agree that in this illustration, this sort of rough 16:09:55  
13 mock-up illustration that D1 double prime is greater 16:09:59  
14 than D2 double prime? You don't agree with that? 16:10:03  
15 MR. RONDINI: Objection, asked and answered. 16:10:07  
16 A I don't agree with the overall assessment 16:10:08  
17 with the path you are going down. I will leave it 16:10:10  
18 at that. I just don't agree with your assessment. 16:10:12  
19 BY MR. THOMAS: 16:10:14  
20 Q That's not my question. I asked you to 16:10:14  
21 assume that this is where the lines are drawn and 16:10:17  
22 these are corresponding to the same measurements. 16:10:19  
23 You have presented two alternatives, I have 16:10:23  
24 presented a third. 16:10:25  
25 And I am instructing you to consider that 16:10:27

1 illustration that you said you understood and tell 16:10:30  
2 me if D1 double prime is greater than D2 double 16:10:33  
3 prime. 16:10:38  
4 MR. RONDINI: Objection, incomplete 16:10:38  
5 hypothetical, asked and answered. 16:10:42  
6 A You made assessments, I can -- I see the 16:10:46  
7 lines you have drawn and the conclusions you are 16:10:50  
8 trying to get to. But I don't agree with your 16:10:52  
9 assessment. 16:10:55  
10 BY MR. THOMAS: 16:10:56  
11 Q What is the conclusion you think I am trying 16:10:56  
12 to get to? 16:10:58  
13 A You are trying to, contrary, trying to go 16:10:58  
14 against my assessment. I guess I don't agree with 16:11:04  
15 your assessment of where you are at, where you have 16:11:08  
16 drawn your orange line there. 16:11:11  
17 Q Understanding that you don't agree with my 16:11:16  
18 assessment of where I am drawing the orange lines, 16:11:18  
19 if one did, it wouldn't read on the claim, it 16:11:21  
20 wouldn't meet the claim limitations, would it? 16:11:24  
21 MR. RONDINI: Asked and answered. 16:11:26  
22 A I guess I don't agree with your assessment. 16:11:28  
23 It is not the assessment I provided. 16:11:30  
24 BY MR. THOMAS: 16:11:32  
25 Q Right. You only provided an assessment that 16:11:32

1 would map to the claim because that's what you were 16:11:35  
2 looking for, right, Mr. Prairie? 16:11:37  
3 MR. RONDINI: Objection, harassment, asked 16:11:39  
4 and answered. 16:11:41  
5 MR. THOMAS: He has not answered the 16:11:42  
6 question at all. 16:11:44  
7 A I have provided a detailed explanation in my 16:11:45  
8 declaration. The image that you have annotated 16:11:50  
9 there of your own annotation is the one that I gave 16:11:52  
10 and provided and gave my assessment around that 16:11:55  
11 position. 16:11:58  
12 Q And you have offered yourself as an expert 16:12:00  
13 witness in this proceeding, correct? 16:12:03  
14 A Yes, I have. 16:12:04  
15 Q And you think you are able to look at and 16:12:08  
16 understand these patent drawings and figures, 16:12:13  
17 correct? 16:12:17  
18 A Yes, that is correct. 16:12:17  
19 Q You are a highly experienced engineer, 16:12:20  
20 right? 16:12:22  
21 A I have lots of experience, yes. 16:12:22  
22 Q And understanding that you don't agree with 16:12:30  
23 where I've drawn the lines, let's just say you just 16:12:33  
24 draw lines. The orange lines, you cannot tell me 16:12:37  
25 and you refuse to answer the question whether D1 16:12:40

1	double prime is greater than D2 double prime, don't	16:12:44
2	you?	16:12:48
3	MR. RONDINI: Asked and answered. I mean,	16:12:51
4	you are asking him to give you an opinion that	16:12:53
5	you want. Come on.	16:12:55
6	A I guess what I will tell you is I will stand	16:13:01
7	behind the assessment that as drawn, as I've stated	16:13:04
8	it, the words in my declaration, the position I have	16:13:06
9	taken is what I've drawn and what I have shown on	16:13:09
10	the screen, what is shown on the screen in blue.	16:13:11
11	I have not drawn annotated. You have drawn	16:13:14
12	a configuration on the screen that I don't agree	16:13:17
13	with your assessment of the claim terms, so.	16:13:20
14	Q And why do you not agree with the	16:13:23
15	illustration that I have made as far as it relates	16:13:26
16	to the claim term?	16:13:29
17	A I've made interpretation of, as I've drawn	16:13:30
18	the blue lines, that's my interpretation. So you	16:13:36
19	have deviated from that. So therefore I disagree	16:13:40
20	with your assessment.	16:13:42
21	Q I understand your conclusion, but I don't	16:13:48
22	understand your reasoning. So I am asking you to	16:13:52
23	explain your reasoning, because I think both we and	16:13:53
24	the Board are entitled to know what your reasoning	16:13:58
25	is.	16:14:01

1           A       Well, there is further, there is actually an       16:14:02  
2       alternate configuration here.  If you go to 422,       16:14:06  
3       that is Paragraph 422 in my declaration, "Gotting       16:14:08  
4       fully discloses that one could eliminate the       16:14:15  
5       adapters and releasably attach both seats directly       16:14:18  
6       to the frame such that seat 11, first seat, is above       16:14:22  
7       the second seat 10.       16:14:25  
8                "The adapters 12 could also be eliminated by       16:14:28  
9       forming the attachment for the seats 10 and 12       16:14:30  
10       directly to the frame."  And that was cited from       16:14:33  
11       Gotting.       16:14:35  
12                "When directly attached, the first seat 11       16:14:37  
13       would also be attached to the frame at the first       16:14:39  
14       vertical position V1 closer to the handle portion       16:14:42  
15       than the front end portion.  A POSITA would have       16:14:45  
16       would have found it obvious to do so because by       16:14:49  
17       using standard attachment elements, the seats can be       16:14:51  
18       placed in any position on the frame."  So that's the       16:14:53  
19       direct citing from Gotting.       16:14:56  
20                MR. THOMAS:  Move to strike as       16:14:59  
21       nonresponsive.  
22                Q       Because I did not ask you to look at it in       16:15:01  
23       that alternative configuration.  I asked you to       16:15:03  
24       explain the rationale of the configuration you chose       16:15:06  
25       and the configuration you annotated.       16:15:09

1           Please, are you able to explain that           16:15:13  
2           rationale as to why yours is right and my           16:15:15  
3           hypothetical one is wrong?           16:15:18

4           A     Like I said, I've created an annotation as           16:15:26  
5           shown. You for whatever reason feel it is incorrect           16:15:29  
6           and are trying to make an alternate assessment.           16:15:33

7           I disagree with your alternate assessment           16:15:38  
8           and I am going to stand behind what I have assessed,           16:15:41  
9           what I have drawn and what I have discussed in my           16:15:45  
10          declaration.           16:15:47

11          Q     Assume, I am going to ask you as an expert,           16:15:49  
12          because you can do this, to make an assumption,           16:15:52  
13          assume that the Board disagrees with your assessment           16:15:55  
14          and agrees with my assessment. Maybe that is a bad           16:15:58  
15          assumption, but I am asking you to make that           16:16:02  
16          assumption.           16:16:04

17                 If the Board made that conclusion, then D1           16:16:04  
18          double prime would be greater than D2 double prime           16:16:10  
19          and it would not meet the claim limitations of Claim           16:16:14  
20          1, would it?           16:16:18

21          A     You are making an assessment that is not,           16:16:19  
22          hasn't happened. It is a hypothetical that hasn't           16:16:28  
23          happened, so.           16:16:31

24          Q     Yes, I am. That's what an assumption is,           16:16:32  
25          Mr. Prairie. That is the assumption I am           16:16:34

1 instructing you to accept. 16:16:36

2 A I am not going to make a decision around 16:16:38  
3 that assumption because I don't agree with that 16:16:41  
4 assumption. 16:16:43

5 Q You presented your two alternatives for V1 16:16:45  
6 and V1 prime where the first position would be, 16:16:53  
7 right -- did you consider any other positions like 16:16:56  
8 the one that I have illustrated in orange? 16:17:02

9 A I don't recall the permutations that I went 16:17:05  
10 through. 16:17:13

11 Q Did you consider an alternative reference 16:17:18  
12 point for the measurements of your D1 and double 16:17:23  
13 prime, for your distances that would maybe use the 16:17:30  
14 midpoint of these connector portions 16 and 15 which 16:17:35  
15 would look something like this? Do you see that 16:17:44  
16 image that I have drawn on the screen? 16:17:51

17 A You have a lot of lines drawn on there. I 16:17:52  
18 see some greens lines that you just drew. 16:17:57

19 Q There were a bunch of blue lines on the 16:17:59  
20 figures first. So you have seen the green lines 16:18:02  
21 that I have drawn? 16:18:03

22 A Mine was clear and understandable. Yours 16:18:03  
23 are getting difficult to understand what you are 16:18:06  
24 trying to show. 16:18:09

25 Q I am trying to ask you if you considered 16:18:09

1 alternative reference points of where to make your 16:18:13  
2 distance measurements. And either you did or you 16:18:19  
3 didn't. 16:18:21

4 A I can tell you for sure -- like I said, this 16:18:23  
5 is a long document -- I can tell you the ones that I 16:18:25  
6 did consider and assessed are in my document. I 16:18:28  
7 don't recall other, I don't recall what or if other 16:18:33  
8 configurations I may have considered in forming this 16:18:34  
9 assessment. 16:18:39

10 Q And you cannot tell me why the two 16:18:39  
11 alternatives that I proposed using the green or the 16:18:43  
12 orange lines are incorrect other than they are not 16:18:47  
13 your assessment, correct? 16:18:51

14 A Like I said, I have read through the 16:18:52  
15 declaration, the prior art. I formed an assessment 16:19:01  
16 and I stand behind the assessment that I provided in 16:19:05  
17 my declaration. 16:19:08

18 Q I stopped sharing. Let's talk about Page 16:19:14  
19 220, this -- wait a second, hold on. 16:19:19

20 Let's talk about Paragraph 422 at the bottom 16:19:26  
21 of Page 218. You reference this earlier in one of 16:19:29  
22 your answers, that "Gotting further discloses one 16:19:33  
23 could eliminate the adapters and form the 16:19:36  
24 attachments for the seats 10 and 11 directly on the 16:19:41  
25 frame," right? So you are quoting Gotting there, 16:19:43

1 correct? 16:19:47

2 A That is correct. 16:19:47

3 MR. RONDINI: Objection, compound. 16:19:49

4 A Well, a part of those, yes, a part of that 16:19:52

5 was citing Gotting. 16:19:55

6 BY MR. THOMAS: 16:19:57

7 Q In the block at the top of 29, that is a 16:19:57

8 quotation from Gotting, correct? 16:20:01

9 A It definitely references Gotting. Let me 16:20:03

10 see if it is a direct quote. It definitely 16:20:08

11 references it. 16:20:11

12 I believe it is a full quote, but I would 16:20:11

13 have to look at it for sure here. 16:20:12

14 Q Okay, why don't you pull that up, Exhibit 16:20:14

15 1041, Paragraph 14 as cited there in your 16:20:17

16 declaration. 16:20:26

17 A Yes, what is shown in bold on the top of 16:20:37

18 Page 219 is a direct quote from the Exhibit 1041. 16:20:40

19 Q And then the next sentence following your 16:20:47

20 quotation reads, "This would eliminate the other 16:20:51

21 configuration possibilities, however," right? 16:20:55

22 That's just what it says? 16:21:04

23 A Yes, I am just looking at which line you are 16:21:06

24 referring to. 16:21:08

25 Q It is the exact line you looked at when you 16:21:08

1 were searching for the quotation. It is immediately 16:21:11  
2 following that. 16:21:13

3 A No, I was looking below it. 16:21:14

4 Q What I just read immediately follows the 16:21:18  
5 quoted, the quotation from Gotting that is in your 16:21:22  
6 declaration at the top of Page 219. 16:21:27

7 A Yes, Paragraph 423, is that where you are 16:21:31  
8 at? Is that what you just read? I am just 16:21:34  
9 confirming. 16:21:40

10 Q Mr. Prairie, we just talked about how you 16:21:44  
11 have a block quotation from Gotting, Paragraph 14 at 16:21:47  
12 the top of the page. Do you see it? 16:21:51

13 A Which is my Paragraph 422, and you just read 16:21:52  
14 Paragraph 423. Is that what you are telling me? 16:21:56

15 Q No, I was reading from Gotting. Do you see 16:21:59  
16 that? 16:22:02

17 A I thought you were reading -- that's why I 16:22:02  
18 wasn't following along. I was following my 16:22:04  
19 declaration. That's why I wasn't able to follow 16:22:06  
20 you. 16:22:09

21 Q What I said is the sentence immediately 16:22:09  
22 following your quotation of Gotting reads, quote, 16:22:11  
23 "This would eliminate the other configuration 16:22:15  
24 possibilities, however." 16:22:18  
25 That's in Paragraph 14 of Gotting 16:22:20

1 immediately following your quoted portion, correct? 16:22:22

2 A Yes, I see that line that you said. 16:22:24

3 Q And you omitted that in your quotation, 16:22:28

4 correct? 16:22:31

5 A That portion is not included in my 16:22:31

6 declaration right above. 16:22:35

7 Q And Gotting doesn't illustrate this 16:22:37

8 hypothetical configuration where the adapters 12 are 16:22:40

9 eliminated by forming the attachments for the seats 16:22:46

10 directly on the frame, does it? 16:22:49

11 A Gotting only has a couple of images, but the 16:22:51

12 details, it has only Figure 1 and 2 in the actual 16:23:12

13 patent, so. 16:23:17

14 Q This thing is not illustrated anywhere in 16:23:17

15 Gotting, you agree? 16:23:20

16 A Not to the full detail. There are 16:23:22

17 components, you could extract components of the 16:23:28

18 figures and develop and understand what their intent 16:23:30

19 was as an alternate configuration. 16:23:35

20 Q You could do that, but Gotting didn't, 16:23:37

21 right? 16:23:41

22 MR. RONDINI: Objection, misstates the 16:23:42

23 document. 16:23:45

24 A What Gotting disclosed is in the text. 16:23:47

25 BY MR. THOMAS: 16:23:49

1 Q Gotting has those two sentences about it and 16:23:49  
2 that's it, right? 16:23:52

3 A That is still disclosed. 16:23:53

4 Q Of course, I agree. And you would agree 16:23:54  
5 that it is not illustrated any further besides those 16:23:57  
6 two sentences? 16:24:00

7 A You could extract illustrations out from 16:24:02  
8 Figure 1 and 2. Like I said, it is quite common for 16:24:07  
9 some of these European patents to be very 16:24:10  
10 figure-limited, and they rely more on the context of 16:24:12  
11 the text itself. 16:24:15

12 Q And then you also did not demonstrate this 16:24:15  
13 hypothetical configuration either in your 16:24:20  
14 declaration testimony, correct? 16:24:23

15 A No, I don't believe -- I am not sure, I 16:24:24  
16 don't know if I made an annotated version of that or 16:24:30  
17 not. 16:24:33

18 Q Gotting doesn't teach or suggest how or 16:24:34  
19 where you would form the attachments for the two 16:24:38  
20 seats directly on the frame other than just saying 16:24:40  
21 it could be done, correct? 16:24:43

22 MR. RONDINI: Objection, relevance. 16:24:47

23 A I mean, I would have to -- I haven't made a 16:24:56  
24 complete assessment on your question. I would have 16:25:00  
25 to go through and further analyze Gotting with 16:25:01

1 regard to your very specific question. 16:25:05

2 BY MR. THOMAS: 16:25:06

3 Q You did analyze Gotting with regard to your 16:25:06

4 testimony about the adapters 12 being eliminated by 16:25:10

5 forming the attachments for seats 10 and 11 directly 16:25:18

6 on the frame. That is your direct testimony, right? 16:25:19

7 A Yes. But in terms of, I just want to read 16:25:21

8 through that a little bit in more detail in regards 16:25:24

9 to asking about the figures and stuff. 16:25:26

10 So I don't think -- what I meant is I was 16:25:30

11 looking for -- I don't believe I made a modified 16:25:33

12 annotation in regards to what it would look like, 16:25:35

13 the two merged together as you just described. 16:25:39

14 Q But then you make the conclusion in 16:25:42

15 Paragraph 423 that when directly attached, the first 16:25:45

16 seat 11 would also be attached to the frame at a 16:25:49

17 first vertical position closer to the handle portion 16:25:54

18 than the front end portion. You made that 16:25:56

19 conclusion. 16:25:58

20 A That's based off the assessment that you 16:26:00

21 disagree with in Figure 1, looking at where, if they 16:26:02

22 were attached, the -- Gotting does show that you 16:26:06

23 would assume that based on his image, the images 16:26:11

24 that they disclosed, that forming them on there 16:26:14

25 would be formed in a similar position, or in 16:26:19

1 reversible position potentially, too. 16:26:22

2 Q I am misunderstanding. I thought that your 16:26:33

3 testimony in Paragraph -- I apologize, can you tell 16:26:37

4 me which paragraph we were just talking about? 16:26:47

5 A Paragraph, we were in that -- Page 219 is 16:26:49

6 where we were at. 16:26:53

7 Q Thank you. So Paragraph 423, I thought that 16:26:54

8 Paragraph 423 was addressing the hypothetical 16:26:57

9 alternative of attaching the -- of eliminating 16:27:03

10 adapters 12 and forming the attachments for the 16:27:10

11 seats 10 and 11 directly on the frame. Am I 16:27:14

12 misunderstanding that? 16:27:17

13 A Also, if you go to the next paragraph, it 16:27:19

14 further describes that, "Gotting fully discloses the 16:27:23

15 first seat being connected to the frame in either a 16:27:25

16 forward or backward facing position to form a 16:27:28

17 single-seat configuration as claimed. Gotting also 16:27:30

18 discloses that one or both seats can be connected to 16:27:34

19 the frame by conventional elements either in a 16:27:36

20 forward or backward facing direction in either a 16:27:38

21 single or double-seat configuration." 16:27:42

22 Q But Gotting does not disclose where the 16:27:43

23 seats would be attached if they were attached 16:27:51

24 directly on the frame instead of attached to the 16:27:56

25 adapters. You agree with that? It just doesn't say 16:28:00

1 anything about it. 16:28:06

2 A I think it teaches from the understanding, 16:28:08

3 if you look at Figures 1 and 2 you would -- and 16:28:09

4 understanding that they could be in a forward or 16:28:13

5 reversible, they would be formed in a fashion to 16:28:16

6 provide similar functionality as disclosed in the 16:28:18

7 patent itself. I don't believe that you would add 16:28:20

8 that, that they would add that disclosure and 16:28:26

9 eliminate functionality of the patent itself. 16:28:29

10 MR. THOMAS: We are going to move to a 16:28:38

11 different element now. How long have we been 16:28:40

12 going this time? 16:28:45

13 MR. RONDINI: An hour or so. 16:28:47

14 MR. THOMAS: Could we take another quick 16:28:48

15 five minutes? 16:28:50

16 THE WITNESS: Yes. 16:28:51

17 MR. THOMAS: Thank you. 16:28:54

18 (A recess was taken at 4:30 p.m. for seven 16:29:01

19 minutes.)

20 BY MR. THOMAS:

21 Q So still on the same declaration, '771 16:37:24

22 patent, Page 220, we are going to talk about Claim 16:37:27

23 Element 1.5a and later 1.5b. So this element says 16:37:31

24 that, "The frame receives an optional second seat 16:37:40

25 assembly," right? Do you see that? 16:37:44

1           A     1.5a states, "Wherein the frame receives an     16:37:47  
2     optional second seat assembly to form the     16:37:50  
3     double-seat configuration. The second seat assembly     16:37:54  
4     comprises," and then that's where it pauses in my     16:37:56  
5     declaration for the time being.     16:38:00  
6           Q     And then earlier on we were talking about     16:38:02  
7     the single-seat configuration. And the single-seat     16:38:03  
8     configuration you started, your claim mapping was     16:38:09  
9     where the upper seat is attached to the adapter 12,     16:38:13  
10    right? And then now your testimony -- sorry -- you     16:38:16  
11    recall that testimony?     16:38:22  
12          A     I recall the discussion around that topic.     16:38:23  
13          Q     And then we also discussed how the     16:38:30  
14    double-seat configuration is going to be, as you     16:38:34  
15    describe, continuing on from 427, that the lower     16:38:36  
16    seat 10 is attached to connector 15 on the adapters     16:38:42  
17    12, right?     16:38:47  
18                MR. RONDINI: Objection, vague.     16:38:54  
19          A     Yes, I am following along. I got part way     16:38:56  
20    and I kind of missed where you were at, what you     16:38:59  
21    were saying, a combination of stuff there.     16:39:02  
22    BY MR. THOMAS:     16:39:06  
23          Q     So the double-seat configuration that you     16:39:06  
24    are talking about is going to be when the lower seat     16:39:09  
25    10 is attached to the connector 15, right?     16:39:14



1 point out, the second seat assembly is there at 16:41:13  
2 where your arrows are pointing, right? 16:41:22  
3 A I am sorry, what are you looking at, Mr. 16:41:24  
4 Thomas? 16:41:29  
5 Q Page 222. 16:41:29  
6 A Page 222, okay, we are flipping ahead, okay. 16:41:31  
7 Q You point to the optional second seat 16:41:33  
8 assembly? 16:41:36  
9 A Yes. 16:41:37  
10 Q And that's right there where you are 16:41:38  
11 pointing, where your arrow is, right? 16:41:40  
12 A Yes. 16:41:43  
13 Q Now, at the bottom of this page, Paragraph 16:41:44  
14 429, you testify, "A POSITA would have considered 16:41:52  
15 the adapters 12 to be left and right seat 16:41:57  
16 attachments." 16:42:01  
17 A Is there a question in there or are you 16:42:12  
18 just, making a statement? 16:42:14  
19 Q Correct? 16:42:16  
20 A Yes. In Paragraph 429, yes, I disclose 16:42:17  
21 that, "Gotting discloses right and left seat 16:42:20  
22 attachments (gold)," as I highlighted in the next 16:42:22  
23 page on 223, "which are left and right adapters 12, 16:42:25  
24 each having connecting points 15. They removably 16:42:29  
25 connect with the second seat." And that's citing 16:42:35

1 Gotting. 16:42:37

2 Q And then those adapters 12, which you opine 16:42:39  
3 are the left and right seat attachments, are 16:42:44  
4 attached to the frame, correct? 16:42:47

5 A I say, yes, within, continuing on in that 16:42:51  
6 same Paragraph 429, I said, "Each adapter 12 is 16:42:55  
7 attached to the frame. Therefore, the connecting 16:43:01  
8 points 15 indirectly attached the lower second seat 16:43:05  
9 to the frame. A POSITA would have considered the 16:43:08  
10 adapters 12 to be the left and right seat 16:43:12  
11 attachments, as they are used to attach one or more 16:43:14  
12 seats to the frame. 16:43:17

13 "These adapters 12 are disposed along the 16:43:18  
14 support frame members as shown below." 16:43:22

15 So that's the exhibit that I show that you 16:43:24  
16 were talking about in gold, and therefore I make a 16:43:29  
17 statement, "Therefore, Gotting, either alone or in 16:43:31  
18 combination with Britax, discloses or renders 16:43:33  
19 obvious claim limitations 1.5b." 16:43:37

20 Q And the left, right and left seat 16:43:40  
21 attachments being "disposed along the right and left 16:43:44  
22 support members of the frame," that's required by 16:43:47  
23 the claim as well, correct? 16:43:51

24 MR. RONDINI: Objection, form. 16:43:53

25 A 1.5b says, "right and left seat attachments 16:43:58

1	disposed along the right and left seats support	16:44:01
2	members of the frame respectively at a second	16:44:03
3	vertical position that is lower than the first	16:44:07
4	vertical position."	16:44:08
5	Q So you just repeated the thing that I said.	16:44:10
6	So we are in agreement that they --	16:44:13
7	A Yes, I just wanted to read through that the	16:44:14
8	verbiage was correct. So I just reread 1.5.	16:44:17
9	Q And my verbiage was correct, correct?	16:44:20
10	A I didn't have it in front of me. If you	16:44:22
11	want to recite it, I didn't catch every word. I	16:44:26
12	caught most of it, the intent was the same, but I	16:44:29
13	didn't catch if every word was the same.	16:44:33
14	Q So in fact the Claim 1.5a , if you need to	16:44:34
15	look at it, it is back on 220, Page 220, the claim	16:44:40
16	recites that the optional seat assembly is an	16:44:46
17	assembly comprising. Do you see that language, the	16:44:49
18	third line of your quotation of 1.5a, the second	16:44:52
19	seat assembly comprising, right?	16:44:56
20	A Yes.	16:44:59
21	Q Do you know what the term "comprising" means	16:45:00
22	in -- do you have an understanding of what the term	16:45:04
23	"comprising" means in, when looking at a patent	16:45:07
24	claim?	16:45:11
25	MR. RONDINI: Objection, calls for a legal	16:45:12

1 conclusion. 16:45:13

2 A Probably consists of, or contains. 16:45:21

3 Q And then what the second seat assembly 16:45:33

4 comprises is -- let me withdraw that question. 16:45:38

5 So then it says right there on that page 16:45:46

6 that you quoted, "second seat assembly comprising:" 16:45:50

7 And then what does it comprise? The claim recites 16:45:55

8 that the optional seat, "second seat assembly 16:45:57

9 comprises two sub-elements, one, the left and right 16:45:59

10 seat attachments of Element 1.5b, and, two, that the 16:46:08

11 second seat is connectable to the left and right 16:46:17

12 seat attachments in Element 1.5d." Do you 16:46:21

13 understand that? 16:46:26

14 MR. RONDINI: Objection, calls for a legal 16:46:28

15 conclusion. 16:46:30

16 MR. THOMAS: I certainly hope he is able to 16:46:33

17 make it since he has read the claims onto the 16:46:35

18 prior art. 16:46:39

19 A Keep on with the questioning. 16:46:46

20 BY MR. THOMAS: 16:46:48

21 Q Let's just -- here is another idea, let's 16:46:49

22 look at -- hold on. Do you recall if you have a 16:46:53

23 claims listing at the end of this declaration? I 16:47:01

24 don't think so. So pull up the '771 patent. And go 16:47:05

25 to the last page. Are you there, where Claim 1 is? 16:47:14



1 Q Do you understand that -- withdraw that 16:48:54  
2 question, strike it. 16:48:58  
3 Gotting's seat 10, lower seat 10, it does 16:48:59  
4 not include the adapters 12, does it? It is just 16:49:11  
5 seat 10. 16:49:19  
6 MR. RONDINI: Objection to the extent it 16:49:21  
7 misstates testimony. 16:49:23  
8 A The second seat has to connect or adapt 16:49:43  
9 ultimately to that bracket structure, so there has 16:49:48  
10 to be some kind of attachment along there. 16:49:54  
11 BY MR. THOMAS: 16:50:01  
12 Q I didn't ask if it was attached to the 16:50:01  
13 adapters 12 because it is obviously, it is attached 16:50:05  
14 to the adapters 12. We agree on that? 16:50:08  
15 A Yes. 16:50:10  
16 Q I asked whether or not the seat includes an 16:50:11  
17 adapter in it. 16:50:14  
18 MR. RONDINI: Same objection. 16:50:19  
19 BY MR. THOMAS: 16:50:21  
20 Q Does it contain the adapter? Does the 16:50:21  
21 Gotting seat 10 contain adapters 12 as part of the 16:50:23  
22 seat 10? 16:50:29  
23 A I am just reading through my stuff in this 16:51:01  
24 context and then we will come back and have you ask 16:51:03  
25 the question. I just want to reread the discussion 16:51:05

1 around this topic and the claims at hand and just 16:51:09  
2 assess your question in further detail. 16:51:13

3 Q If you are going to take the time to read, 16:51:14  
4 I'd like to go off the record and let you do that so 16:51:16  
5 that you are not using up record time. 16:51:19

6 A I don't believe -- so you are just going to 16:51:23  
7 go on and off the record as I work to answer your 16:51:27  
8 question? I don't think that's how it works from 16:51:30  
9 past experience. 16:51:31

10 MR. RONDINI: It is not proper. We are not 16:51:32  
11 going to do that. 16:51:33

12 Q It is also not proper for you to not answer 16:51:34  
13 the question. The question is: Does the lower seat 16:51:36  
14 contain the adapter? 16:51:38

15 MR. RONDINI: Objection, vague. 16:51:40

16 A I am working towards answering your 16:51:43  
17 question. I am just taking in how you have broken 16:51:45  
18 stuff down. 16:51:50

19 BY MR. THOMAS: 16:51:51

20 Q Please talk me through your thought process 16:51:51  
21 and what you are looking at so that we can 16:51:53  
22 understand why it is taking so long for you to 16:51:55  
23 understand, answer this question? 16:51:58

24 A I don't wish to do that. 16:51:59

25 Q You don't want to talk me through your 16:52:01

1 thought process as you are answering the question? 16:52:04

2 A No. 16:52:05

3 Q You don't want to explain your reasoning of 16:52:05  
4 what you are looking at? 16:52:07

5 MR. RONDINI: Objection. Warren, come on, 16:52:08  
6 be civil about it. He's trying to answer. You 16:52:12  
7 are asking a lot of questions, throwing a lot of 16:52:14  
8 stuff at him, okay. You don't need to badger 16:52:16  
9 him. 16:52:19

10 A Ultimately, the seat itself is an assembly, 16:53:15  
11 I mean, an assembly itself, and so it is not just a 16:53:18  
12 single component. It consists of an assembly of 16:53:23  
13 items. There are two seats. There is a first seat 16:53:29  
14 and a second seat. 16:53:34

15 Q And the seats are attached to the adapters 16:53:47  
16 but they don't comprise the adapters, do they? 16:53:51

17 A "Adapters 12 are also designed such that 16:53:54  
18 they can be reversed 180 on the frame. In this 16:54:13  
19 case, the seat 11 further from the push bar 14 would 16:54:15  
20 be lower than the seat 11 closer to the push bar 14. 16:54:19  
21 This still results in the overlapping as described 16:54:22  
22 above. The adapters 12 could also be eliminated by 16:54:26  
23 forming the attachments for the seats 10, 11 16:54:28  
24 directly on the frame. This would eliminate the 16:54:31  
25 other configuration." 16:54:33



1 within the seat attachment in the optional second 16:56:46  
2 seat assembly. You had mapped the adapters 12 on 16:56:51  
3 the right and left seat attachments, correct? 16:57:07  
4 A Yes, there's attachments that can be 16:57:11  
5 directed in either forward or reverse direction. 16:57:18  
6 Q So that's correct. So according to the way 16:57:21  
7 the claim works, the optional second seat assembly 16:57:27  
8 has to comprise the second seat connectable to right 16:57:31  
9 and left seat attachments. And I am asking you if 16:57:38  
10 that lower seat 10 comprises the adapters 12. 16:57:41  
11 MR. RONDINI: Objection, compound, and to 16:57:46  
12 the extent it misstates what the claim is. 16:57:50  
13 A The seat, the seats are going to attach 16:57:55  
14 into, let's see where. It is ultimately, it is the 16:58:03  
15 dotting reference, they lock into, there are some 16:58:12  
16 crossbars, on Figure 2 of Gotting there is the slots 16:58:20  
17 15 and 16 and seats would ultimately lock into those 16:58:34  
18 slots as shown in Figure 2. 16:58:44  
19 Q And we agreed earlier, you agreed earlier 16:58:46  
20 that the adapters 12 are optional in terms of 16:58:49  
21 configuring the stroller disclosed in Gotting, 16:58:54  
22 correct? That was when we talked about what happens 16:58:57  
23 if you take the adapters off, what does it look 16:59:06  
24 like, it looks like Britax. Do you remember that 16:59:09  
25 discussion? 16:59:11

1           A       That is one configuration of it, yes. And       16:59:11  
2       they also, as we discussed it, they could be formed       16:59:15  
3       into the structure as well.       16:59:17

4           Q       Right. And the seats exist independently of       16:59:19  
5       the adapters 12, correct?       16:59:26

6           A       Yes, the seats are independent of the object       16:59:28  
7       that is shown in Figure 2.       16:59:34

8           Q       So the seats are attached to the adapters       16:59:36  
9       12, but they do not contain the adapters 12, they do       16:59:39  
10       not include the adapters 12. They are independent,       16:59:44  
11       correct?       16:59:47

12           MR. RONDINI: Objection, calls for a legal       16:59:49  
13       conclusion.       16:59:50

14           A       They would have to have another adapter that       16:59:55  
15       would adapt into the slots 15 and 16 to connect to       16:59:57  
16       it.       17:00:01

17           Q       I don't follow what you mean by, they would       17:00:13  
18       have to have another adapter.       17:00:15

19           A       Some type of mechanism or adapter or pin       17:00:17  
20       mechanisms or whatever terminology you want to use       17:00:21  
21       that would lock them into the slots shown in 15 and       17:00:22  
22       16, where those slots 20 are kind of overall -- I       17:00:25  
23       don't know, let me check.       17:00:32

24           Q       That is what Gotting discloses, that the       17:00:32  
25       seats are attached at the connectors 15 and 16.       17:00:35

1	That's where they attach to the adapters.	17:00:38
2	A Yes.	17:00:41
3	Q But that's where they attach the adapters.	17:00:42
4	They are not comprising the adapters. Do you not	17:00:45
5	agree with that?	17:00:48
6	A You could attach both seats or individual	17:00:49
7	seats to the adapters and put them on the seat too.	17:00:53
8	I mean, that is showing Britax is that, that is one	17:00:56
9	optional configuration that Britax shows the	17:00:59
10	brackets. And you could have both the adapters and	17:01:03
11	the seat all together too.	17:01:06
12	Q But that's not what is disclosed in Gotting,	17:01:09
13	that is not what Gotting teaches.	17:01:11
14	A It definitely talks about that the -- I	17:01:16
15	mean, you could take, there is really no reason you	17:01:18
16	couldn't take the whole seat and adapter off at the	17:01:20
17	same time. There is nothing saying you can't do	17:01:23
18	that, I don't think.	17:01:25
19	Q But you haven't mapped that possibility onto	17:01:26
20	the claims of the '771 patent in your opinions.	17:01:29
21	A I don't know that I've said those exact	17:01:34
22	words.	17:01:37
23	Q Let's go to the Offord ground in your '771	17:01:42
24	patent declaration, Page 253. Actually, maybe,	17:01:54
25	generally, ground 3 in the '771 patent declaration	17:02:05

1 is that the claims are, "challenged claims are 17:02:17  
2 obvious over Offord '341 in view of Offord '797," 17:02:19  
3 right? Easy question. 17:02:26  
4 A Yes, that is the ground 3 of the '771 17:02:28  
5 declaration.  
6 Q And then you also have a ground in the '682 17:02:33  
7 patent declaration that the claims are obvious over 17:02:37  
8 the same combination, correct? 17:02:38  
9 A Yes, I incorporate Offord into that too. I 17:02:39  
10 don't know which ground that is. 17:02:47  
11 Q And if I ask you things about your testimony 17:02:49  
12 about like what -- let me withdraw that. How do I 17:02:55  
13 phrase this. 17:03:01  
14 Basic information about Offord is going to 17:03:01  
15 be similar between the two different patents because 17:03:08  
16 the patent claims are somewhat similar, correct? 17:03:12  
17 A I don't feel comfortable making the same 17:03:20  
18 statement about each one as a broad statement. 17:03:23  
19 Q Would it be a fair assessment to say that 17:03:26  
20 you make many of the same statements about both of 17:03:30  
21 them? 17:03:34  
22 MR. RONDINI: Objection, vague, misstates 17:03:34  
23 the testimony. 17:03:37  
24 A Each declaration is unique. There is some 17:03:40  
25 commonality between them, but I wouldn't go as far 17:03:42

1 as to make that statement. There are similarities, 17:03:44  
2 but definitely I'd have to do a 17:03:46  
3 paragraph-by-paragraph assessment and see how close 17:03:49  
4 each one is. 17:03:51

5 Q When you talk about the frame, when you 17:03:52  
6 identify frame in Element 1.3 of the claims around 17:04:03  
7 Page 253, "A frame supported by the front and rear 17:04:08  
8 wheels"... comprising a bunch of stuff, I want to 17:04:17  
9 make sure, I want to understand what all it is that 17:04:20  
10 you are testifying is the frame recited in Element 17:04:23  
11 1.3. 17:04:27

12 MR. RONDINI: I am sorry, which one are we 17:04:34  
13 looking at right? Now I lost track. 17:04:35

14 MR. THOMAS: The '771 patent declaration, 17:04:37  
15 Page 253. 17:04:41

16 MR. RONDINI: Got you. 17:04:42

17 MR. THOMAS: Paragraph 492. 17:04:43

18 BY MR. THOMAS: 17:04:54

19 Q This first sentence of this Paragraph 492 17:04:54  
20 says, "Offord '341 discloses a 'frame assembly 4' 17:04:56  
21 frame supported by a plurality of ground-contacting 17:05:02  
22 wheels." And then you have a footnote that says, "I 17:05:06  
23 used the stroller frame illustrated by Figures 13A 17:05:11  
24 and 13B to illustrate components of the design." 17:05:14  
25 Paraphrasing, for these figures, you "remove 17:05:19

1 the adapter devices to just show the stroller 17:05:21

2 frame." 17:05:25

3 So I want to make sure, because mapping the 17:05:25

4 claim elements onto the prior art, right, that's 17:05:28

5 part of what we are doing. So I want to make sure I 17:05:33

6 understand when you say that Offord discloses a 17:05:35

7 frame, what all are you including within that frame? 17:05:39

8 A I think if we go to Page 254, you want to 17:05:43

9 pull that up? 17:05:56

10 Q Yes, I am looking at it. 17:05:58

11 A Why don't you put it up on screen to make 17:05:59

12 sure you are looking at the same thing I am. 17:06:03

13 Q Okay, I can do that. I am on Page 254 of 17:06:05

14 the '771 patent declaration. You want to look at 17:06:16

15 this figure that you have annotated, modified? 17:06:20

16 A Yes. So the verbiage below that ultimately 17:06:22

17 describes what I have pictured in that figure. So 17:06:28

18 we have a handle portion that is in pink, and we 17:06:33

19 have the foldable support members of the frame, so 17:06:42

20 there is an upper support member that is in red and 17:06:48

21 a lower foldable support member that is in a light 17:06:50

22 blue. 17:06:54

23 Q What is the brown portion that is 17:07:00

24 highlighted? 17:07:05

25 A That would be the -- 17:07:05

1 Q Withdraw that question. 17:07:19  
2 Is the brown portion, whatever it is called 17:07:20  
3 in the document, is that part of what you are 17:07:23  
4 highlighting as being part of the frame that is 17:07:26  
5 recited in the claim? 17:07:29  
6 A Let me make sure I understand. 17:07:44  
7 Q The reason I am asking is because in your 17:07:54  
8 Footnote 23 on Page 253, you use the stroller frame 17:07:57  
9 illustrated by Figures 13A and B. "I have removed 17:08:03  
10 the adapter devices to show just the stroller 17:08:05  
11 frame." 17:08:09  
12 And so I am just trying to understand what 17:08:11  
13 it is that is encompassed within the stroller frame. 17:08:13  
14 A It would be the three items that I've 17:08:17  
15 highlighted. The main stroller frame that all of 17:08:21  
16 the seats are attached to are the items, are the 17:08:25  
17 upper support structure, the lower support 17:08:28  
18 structure. And those are the foldable support 17:08:31  
19 members. Those are the red and the light blue. 17:09:20  
20 Q I don't -- I will say -- this is not 17:09:47  
21 supposed to be the hard part. I will say that I am 17:09:50  
22 looking at your '682 patent declaration. I was just 17:09:55  
23 now looking for where you described the brown or the 17:10:01  
24 darker blue. 17:10:04  
25 A There is a frame-like structure. I just put 17:10:06

1 it, it is part of the foldable. So just in terms of 17:10:08  
2 terminology of the '771, I am just trying to 17:10:11  
3 correlate, making sure that the frame that I 17:10:13  
4 identify here is synched up with the frames I have 17:10:15  
5 identified in the '771. 17:10:18

6 There is a similar color term terminology 17:10:31  
7 there, and I need to find a reference in terms of 17:10:33  
8 frame structure. 17:10:37

9 Q So I am looking at your '682 patent 17:10:39  
10 declaration, Page 285. In this declaration, you 17:10:43  
11 also say, "While not directly stated, Offord's frame 17:10:49  
12 4 also includes what a POSITA would understand is a 17:10:54  
13 front-end portion (dark blue) as shown in the 17:10:57  
14 annotated figure." 17:10:59

15 So it is the same, similar annotated figures 17:11:00  
16 with the same colors, but I don't think -- I am just 17:11:05  
17 not seeing where you had identified the dark blue in 17:11:10  
18 your '771 patent declaration. 17:11:15

19 A Yes, like even in figures in the past, I've 17:11:19  
20 got brown identified as really the -- still a frame. 17:11:22  
21 So if you are asking is it still uses a frame, it 17:11:28  
22 specifically, there is different parts of the frame, 17:11:30  
23 too. 17:11:34

24 So it's got the upper and lower support 17:11:34  
25 portion, foldable portion. The -- here we go. Yes, 17:11:37

1 like even the -- I would have to look at the '771, 17:11:51  
2 but the '682 calls that lower is a wheel support 17:11:54  
3 frame. So that's what I thought. 17:11:59

4 They used that, even the '682 and the '771 17:12:01  
5 refer to that lower portion as a frame as well. So 17:12:04  
6 that's why I want to be more -- if you want to be 17:12:07  
7 more specific on the category of frame that you are 17:12:09  
8 referring to. 17:12:12

9 So we can read the '771, but I believe it 17:12:26  
10 uses similar to the '682 in calling what I've 17:12:29  
11 identified brown as a lower support frame or a wheel 17:12:33  
12 support frame. So if you want to be more specific 17:12:36  
13 in your question, then maybe, I want to make sure of 17:12:40  
14 that. 17:12:44

15 Q The specificness of my question is you have 17:12:52  
16 testified that Offord '341 discloses the frame 17:12:55  
17 recited in '771 patent claim element 1.3 including 17:13:01  
18 all of those features of it. 17:13:08

19 A Yes, I just want to reference all that is 17:13:10  
20 included in that frame term. That's what I wanted 17:13:14  
21 to clarify. 17:13:19

22 Q That's what I want to clarify as well. I 17:13:19  
23 want to understand what all is included in that 17:13:22  
24 frame term in your opinion in this declaration. 17:13:24  
25 Would it be fair to say that everything that is 17:13:53

1 identified or discussed -- let me withdraw that. 17:13:57  
2 Strike that. 17:14:03  
3 Would it be fair to say that your opinions 17:14:04  
4 about what in Offord '341 discloses the recited 17:14:06  
5 frame is described in this section of your 17:14:12  
6 declaration down to Paragraph 502 where you say, 17:14:20  
7 "Therefore, Offord, either alone or in combination 17:14:26  
8 with Offord '797, discloses or renders obvious 17:14:30  
9 limitation 1.3." 17:14:35  
10 So would it be fair to say that everything 17:14:36  
11 that is the frame recited in Element 1.3 is 17:14:38  
12 discussed within that section? 17:14:42  
13 A This has multiple pages, so -- 17:14:44  
14 Q I know. 17:14:55  
15 A That's a statement I make. I say, 17:15:01  
16 "Therefore, Offord alone or in combination with 17:15:02  
17 Offord discloses or renders the obvious claim," I 17:15:05  
18 guess I've not broken it apart specifically to your 17:15:10  
19 specific question mainly because the frame consists 17:15:13  
20 of many different elements. And so, and some of 17:15:19  
21 those elements are incorporated elsewhere other 17:15:23  
22 than, I believe, in the folding mechanisms, talking 17:15:26  
23 about some of that stuff. 17:15:31  
24 Q Let's look at the Element 1.4 which recites, 17:15:46  
25 "a first seat releasably connected to the frame"... 17:15:57

1 I will ellipse the rest of that part. 17:16:04

2 How is it that the seats in Offord '341 17:16:06

3 releasably connect to the frame? 17:16:16

4 A Let me make sure I choose the right 17:16:29

5 terminology that Offord describes. If you go to 17:16:33

6 Page 262 and 263, Page 263 of the '771 declaration, 17:16:46

7 there are figures above Paragraph 505 and 506 that 17:16:54

8 pictorially show how those, the Offord reference 17:17:01

9 shows releasably connected to the frame. 17:17:07

10 Q And what these show is that there's 17:17:15

11 something that Offord calls the interface portion 17:17:21

12 components 100 that the seats connect into, correct? 17:17:24

13 That's your green items. 17:17:31

14 A Yes. So there's two. There is a light 17:17:34

15 green and dark green. So can you be more specific 17:17:40

16 there, please? 17:17:43

17 Q I was just going to say that Offord says 17:17:43

18 that the interface, the seats are connected to the 17:17:45

19 interface portion components 100. 17:17:47

20 A Yes. 17:17:50

21 Q And those interface portion components 100 17:17:51

22 are attached to the frame assembly 4, correct? 17:17:55

23 A Let's see. So there we got the full frame 17:17:59

24 assembly 4 and you got receptor cups 34. Is that 17:18:19

25 the section you were just reading? Were you reading 17:18:23

1 to a certain section when you decided that? 17:18:28

2 Q I think I just asked if the interface, asked 17:18:29  
3 you to confirm that the interface portion components 17:18:33  
4 100 are attached to the frame assembly 4. 17:18:36

5 MR. RONDINI: Objection to the extent it 17:18:42  
6 misstates testimony. 17:18:45

7 A We can go back to Page 260. And it states, 17:18:46  
8 "Referring to Figure 14, two interface portion 17:18:55  
9 components 100 each comprise a further connecting 17:18:59  
10 leg 102 releasably mountable to the receptive 17:19:02  
11 receptor cups 34 of the frame assembly 4, a 17:19:07  
12 downwardly curved bar 104, and two connector sockets 17:19:12  
13 106 for receiving two child-carrying units in the 17:19:14  
14 form of the seat 10 or infant car seats and 17:19:17  
15 carry-cots, or a combination thereof." 17:19:22

16 Q I appreciate you reading that paragraph of 17:19:28  
17 text from Offord '341. My question is, I would like 17:19:32  
18 for you to confirm that the interface portion 17:19:37  
19 components 100 are attached to the frame assembly 4. 17:19:39

20 MR. RONDINI: Same objection. 17:19:46

21 A It states specifically there that within 17:19:54  
22 Offord, the receptor receiver cups 34 of the frame 17:19:56  
23 assembly 4, so the receptor cups it specifically 17:20:01  
24 states are part of its frame assembly as defined, 17:20:05  
25 disclosed by Offord. 17:20:10

1 Q It states that the interface portion 17:20:15  
2 components 100 comprise a connecting leg 102 and 17:20:16  
3 that is mountable to the cups 34 of the frame 17:20:22  
4 assembly 4, right? That's what's on the page. 17:20:28

5 So it is mountable to or attached to the 17:20:33  
6 frame assembly 4, correct? 17:20:36

7 A I would have to pull up that reference. I 17:20:38  
8 can't see the numbers on my document. 17:20:46

9 102, yes it looks like 102, okay. I can't 17:20:50  
10 quite tell. I'm going to have to pull up Offord to 17:20:53  
11 get the exact number or find it more zoomed in, make 17:20:56  
12 sure I am referencing, unless you want to pull it up 17:21:00  
13 and point to what 102 is. I can't quite see the 17:21:03  
14 number on my hard copy the way it is printed. 17:21:07

15 I believe you are referring to discussion 17:21:17  
16 that I show on Page 263, I believe, is what you are 17:21:18  
17 referring to. 17:21:21

18 MR. THOMAS: Okay, I am going to move to 17:21:32  
19 strike as nonresponsive and we will move on. 17:21:33

20 BY MR. THOMAS:

21 Q Paragraph 505 starts, you talk about how a 17:21:37  
22 POSITA would have understood that the interface 17:21:46  
23 portion components of 100 were reversible. And then 17:21:50  
24 I am going to ask some questions about that. 17:21:55

25 The opinion that the interface -- withdraw, 17:21:58

1 strike that. 17:22:06

2 You go on to explain that the reason a 17:22:07

3 POSITA would have understood that is because Offord 17:22:12

4 '341 cites this earlier patent Offord '797, and then 17:22:15

5 you talk about reviewing that patent. 17:22:20

6 So you are basing your opinion that Offord 17:22:26

7 '341 would be understood to have reversible 17:22:31

8 interface portion components 100, because Offord 17:22:35

9 '797 discloses that its interface portion 10 could 17:22:42

10 be turned through 180 degrees about the central 17:22:46

11 vertical axis, right? 17:22:50

12 MR. RONDINI: Objection, vague. 17:22:52

13 A You said quite a bit there, so I am trying 17:22:57

14 to remember everything you said. But I do know 17:23:00

15 that, I do agree that the later Offord references 17:23:02

16 the earlier Offord patent. 17:23:05

17 Q If I slip into a habit that I picked up 17:23:09

18 recently of calling them old Offord and new Offord, 17:23:16

19 would you have an understanding what I mean there, 17:23:20

20 which one would be old Offord? 17:23:23

21 A I would be okay with that. 17:23:28

22 Q Old Offord would be the Offord '797 and the 17:23:31

23 new Offord would be Offord '341 that cites back to 17:23:36

24 Offord '797. 17:23:42

25 A I am okay with that discussion, for clarity. 17:23:44

1 Q Now, Offord '797, the old one, says that 17:23:47  
2 when you reverse that, you can turn through 180 17:23:53  
3 degrees this interface portion 10. And you have 17:24:03  
4 illustrated that on Page 264, right? 17:24:06  
5 A Let me get there, unless you want to show 17:24:11  
6 it. 17:24:15  
7 Q Page 264. 17:24:16  
8 A Okay, I am on Page 264. 17:24:18  
9 Q So this is that green bar, is the interface 17:24:20  
10 portion 10. And then it is rotated 180 degrees 17:24:24  
11 about its central vertical axis. 17:24:29  
12 And then when you put it onto the frame, now 17:24:32  
13 that's your -- you have illustrated that rotation 17:24:35  
14 there, correct? 17:24:39  
15 A Yes, I've illustrated that rotation. 17:24:40  
16 Q And the reason that Offord '797 says that 17:24:48  
17 one might do that is to reverse the direction of the 17:24:54  
18 seats, right, or to reverse the orientation of the 17:24:57  
19 seats, right? 17:25:04  
20 A Yes, so they can go from a forward, or 17:25:04  
21 rearward to a forward or vice versa. 17:25:13  
22 Q And Offord '797 also says that when you 17:25:15  
23 rotate this, it changes the vertical positions of 17:25:20  
24 the seats, right? 17:25:23  
25 MR. RONDINI: Objection to the extent it 17:25:30

1 misstates the document. 17:25:32

2 A So, yes, restate. You are talking about, if 17:25:34

3 you want to be consistent, either state new or old 17:25:37

4 Offord and don't jump back and forth to the numbers, 17:25:39

5 if you would, please. 17:25:42

6 BY MR. THOMAS: 17:25:43

7 Q As you state in your testimony at the top of 17:25:43

8 this page, 264, Offord '797, the old Offord, 17:25:47

9 discloses the interface portion 10 when you reverse 17:25:55

10 it 180 degrees it "not only reverses the orientation 17:25:58

11 of the seats but also the vertical positioning of 17:26:02

12 both seats." 17:26:06

13 So that's the reason that Offord '797 17:26:06

14 provides for why you might reverse the interface 17:26:10

15 portion 10, correct? Do you agree? 17:26:15

16 A Where are you citing my declaration from 17:26:19

17 that? 17:26:27

18 Q I've read from the top of the page we have 17:26:30

19 been looking at, 264, where you then quote or at 17:26:34

20 least describe part of Offord '797. I was repeating 17:26:39

21 some of your testimony. 17:26:45

22 Your testimony was that Offord, when you 17:26:45

23 reverse the interface portion, it quote, your 17:26:48

24 testimony, "not only reverses the orientation of the 17:26:51

25 seats but also the vertical positioning of both 17:26:55

1 seats." 17:26:58

2 A On the old Offord, I believe in the old 17:26:59

3 Offord that's what it does. 17:27:09

4 Q Right, that's the old Offord is Offord '797 17:27:10

5 and that's what you have illustrated immediately 17:27:18

6 below on this page? 17:27:18

7 A Yes, on the old Offord, yes. 17:27:18

8 Q So now let's look at, if you would pull up 17:27:21

9 Exhibit 1051, new Offord, which is Offord '341 and 17:27:24

10 go to Figure 15. Maybe just real quick, do you 17:27:39

11 remember if in that annotated figure we were just 17:27:51

12 looking at, that in the first position both seats 17:27:54

13 were facing towards the handle and in the second 17:27:57

14 configuration, both seats were facing towards the 17:28:00

15 front of the stroller? Pretty easy, right? Both 17:28:02

16 backwards, then both forwards. 17:28:04

17 A Yes. 17:28:06

18 Q Okay, now let's go to Figure 15 of new 17:28:07

19 Offord, Offord '341. And what direction are both of 17:28:16

20 these seats facing, forward or backward? 17:28:26

21 A Reclarify, which figure are you pointing to 17:28:31

22 now? 17:28:34

23 Q Figure 15. 17:28:35

24 A On Page 262, just to make sure? 17:28:35

25 Q Of Offord '341, Exhibit 1051. 17:28:38

1           A       I am looking at the top of Page 262. I just       17:28:46  
2       want to, if you are jumping to the patent or the       17:28:49  
3       declaration, I just want to be consistent.       17:28:52  
4           Q       Let me see if it's got it. We can talk       17:28:57  
5       about '262 if you want.       17:28:58  
6           A       I want to make sure if you are asking me a       17:29:03  
7       direction, that I am --       17:29:05  
8           Q       I am asking you --       17:29:07  
9           A       I want to make sure that I am referencing       17:29:08  
10       the same image that you are. I just want to be       17:29:10  
11       synched up here. That's all I am asking.       17:29:12  
12          Q       I think that is a fair question because       17:29:14  
13       there are some interesting things about these       17:29:15  
14       figures. I am talking about the actual real Offord       17:29:17  
15       '341 Figure 15. What direction are both seats       17:29:22  
16       facing?       17:29:27  
17          A       So you want the actual patent or my       17:29:27  
18       declaration?       17:29:32  
19          Q       I don't care where you pull it from. I just       17:29:34  
20       want you to answer the question. In Offord '341,       17:29:36  
21       Figure 15, what direction are the seats facing? It       17:29:38  
22       is forward, isn't it?       17:29:43  
23          A       Let me pull up the patents and look at that       17:29:44  
24       one explicitly, then, or you can pull up an image if       17:29:50  
25       you like. You seem to always want to rush stuff.       17:29:56

1           So if you want to pull up on your screen,           17:29:58  
2   you can, we can discuss an image that we are on the   17:30:00  
3   same page together.   17:30:04

4           Q     I am still waiting, Mr. Prairie.           17:30:11

5           A     I thought you were going to pull it up. I   17:30:13  
6   thought you had nodded your head, like yes, you   17:30:15  
7   would pull it up.   17:30:19

8           Q     I did not.                                    17:30:19

9           A     Then I misunderstood you. For the record,   17:30:20  
10   would you please pull up the image that you are   17:30:30  
11   referring to?   17:30:32

12          Q     If you are requesting me to do that, I will   17:30:33  
13   do it.   17:30:35

14          A     I believe I have that right to do that.   17:30:36

15          Q     Do you see Exhibit 1051?                   17:30:43

16          A     Yes, I see Exhibit 1051 that you have shown   17:30:46  
17   on screen.   17:30:51

18          Q     You see Figure 15?                        17:30:51

19          A     Yes, I do.                                    17:30:52

20          Q     What direction are the seats facing, forward   17:30:58  
21   or backward?   17:31:05

22          A     It appears that the one where the 2 is   17:31:05  
23   appears to be a forward facing. I can't quite with   17:31:24  
24   certainty, because the bars, the kind of the   17:31:28  
25   overhead shielding bars are not up on the other one.   17:31:33

1 So let me see if I could read through the Figure 15 17:31:36  
2 context and see if it discusses their exact 17:31:45  
3 orientation. 17:31:48  
4 Q Let me try again to ask this. I will pull 17:31:48  
5 up your declaration. Do you see your declaration 17:31:52  
6 Exhibit 1001 in the '771 patent? 17:32:07  
7 A Are you intending to share it? 17:32:10  
8 Q Is it not shared? 17:32:14  
9 A No, it is not. 17:32:15  
10 Q How about now? 17:32:18  
11 A I see what you have shown. 17:32:20  
12 Q And I am showing your annotated Figure 15 of 17:32:26  
13 the, you have it labeled Offord '797, but this is in 17:32:35  
14 fact Offord '341, isn't it? 17:32:52  
15 A Yes, that is Offord '341. 17:32:52  
16 Q And so looking at this Figure 15 of Offord 17:32:52  
17 '341 mislabeled as Offord '797, both seats are 17:32:52  
18 facing in the forward direction, aren't they? 17:32:58  
19 A Let me check to see if I made that 17:33:00  
20 assessment in there. I know the front one is, that 17:33:09  
21 is labeled 2 appears to be. I can't recall if the 17:33:12  
22 other one is right now. 17:33:15  
23 Q And without looking through your testimony, 17:33:20  
24 you are not able to, as an expert, assess whether or 17:33:22  
25 not the seats are facing forward, looking at this 17:33:29

1 figure? 17:33:32

2 MR. RONDINI: Objection, misstates the 17:33:32

3 testimony. 17:33:34

4 A No, we looked at a lot of strollers and 17:33:34

5 images today and I just want to make sure in that 17:33:38

6 particular configuration that I answer your question 17:33:41

7 correctly. So I've got one identified. I just want 17:33:43

8 to clarify that the second one is, if it states it 17:33:49

9 is in a forward or reversible, it is in a forward. 17:33:53

10 But I just wanted to make sure. 17:33:55

11 Q What would indicate to you that it is in a 17:33:58

12 forward direction? Why do you believe that? 17:34:00

13 A Just from my perception, looking at it, it 17:34:03

14 looks like, the way the bars are, it looks like they 17:34:12

15 are in being in forward, it would be in a forward 17:34:15

16 configuration. 17:34:18

17 Q Does it look, would it be fair to say the 17:34:19

18 rearward seat is in a parallel configuration to the 17:34:23

19 forward seat, two sort of ring structures around 17:34:29

20 which the soft goods would be installed? And they 17:34:37

21 are both in the same orientation, aren't they? 17:34:39

22 A Generally, yes, as pictorially shown. 17:34:42

23 Q So if we reverse the interface components, 17:34:49

24 interface portion components 100 as you propose, 17:34:57

25 which is to rotate them, turn them around and 17:35:01

1 install them on the opposite sides of the stroller, 17:35:04  
2 that would result in a rearward-facing configuration 17:35:10  
3 of both seats, just like flipping it in the old 17:35:14  
4 Offord '797, right? 17:35:22

5 A Yes, you can -- the brackets are, these 17:35:25  
6 brackets you can do, you can rotate them and they 17:35:36  
7 are individual in nature. And so they can be 17:35:39  
8 swapped from left to right as well. 17:35:41

9 Q And you agree that if you swapped them, then 17:35:45  
10 both seats would be facing backwards, correct? 17:35:50

11 A I think of all the geometry, it is 17:35:55  
12 definitely plausible. It could be forward or 17:36:01  
13 backward. There are a fair number of permutations 17:36:04  
14 there that could be done. 17:36:06

15 So I wouldn't exclude out, at this point 17:36:08  
16 couldn't exclude a forward or backward position. 17:36:10

17 Q Offord '797, the old Offord just showed, it 17:36:17  
18 just flipped them. Both were forward, both were 17:36:21  
19 backward, when you rotated the thing by 180 degrees, 17:36:23  
20 right? 17:36:27

21 A In that particular configuration as shown, 17:36:27  
22 yes, that was both forward or both backward. 17:36:35

23 Q And then your opinion is that a POSA would 17:36:38  
24 rotate the interface portion components of Offord 17:36:41  
25 '341 in a similar manner, flip them around, correct? 17:36:45

1           A       I would definitely use the teachings of the       17:36:49  
2       old Offord for the new Offord.                               17:36:55

3           Q       Which would be to flip the seats back to the       17:36:58  
4       opposite direction, right?                                   17:37:00

5           A       As one configuration, yes.                               17:37:01

6           Q       The Offord '797, the old Offord, does not       17:37:04  
7       disclose any other configuration besides that, does       17:37:08  
8       it?   17:37:11

9           A       I would have to read through to confirm       17:37:11  
10       that.   17:37:20

11          Q       And so in Offord '797, we looked at the       17:37:21  
12       figures, it showed they were both facing backwards       17:37:28  
13       and then you did the flip. And then they were both       17:37:30  
14       facing forwards.   17:37:32

15                 And so why is it that there would be       17:37:34  
16       anything other than the first thing a POSA would       17:37:40  
17       think, if you were to rotate the Offord '314 device       17:37:43  
18       as you proposed, like in the old Offord, why           17:37:48  
19       wouldn't it just flip the directions of the seats in       17:37:52  
20       the same way?   17:37:54

21           MR. RONDINI: Objection, vague.                     17:37:58

22          A       Well, I want to see if I stated that in my       17:38:04  
23       declaration or not, but a POSITA would have           17:38:07  
24       understanding that seats could be rotated in either       17:38:09  
25       direction. And the old Offord simply confirms that       17:38:12

1 it was a known thing. 17:38:17

2 But the new Offord also has individual 17:38:19

3 brackets. And it would be plausible that a POSITA 17:38:24

4 would understand to flip either seat in either 17:38:28

5 direction as well. 17:38:32

6 Q But Offord, neither Offord '341 nor Offord 17:38:33

7 '797 discuss reversing the individual seats. They 17:38:41

8 talk, what Offord '797 says is reversing both seats 17:38:42

9 at the same time by rotating the interface portion 17:38:47

10 10. It doesn't talk about rotating the seats, does 17:38:53

11 it? 17:38:58

12 MR. RONDINI: Objection, vague, compound. 17:39:00

13 A I will work towards answering your question. 17:39:08

14 I can't remember the specific language or not, so -- 17:39:12

15 off the top of my head, so I am going to reference 17:39:16

16 my document to work towards answering your question. 17:39:18

17 MR. THOMAS: I will move to strike as 17:39:22

18 nonresponsive and move on to a different 17:39:24

19 question. 17:39:26

20 BY MR. THOMAS:

21 Q When you did, in your testimony, you keep 17:39:29

22 talking about, what did I testify to; well, in your 17:39:33

23 testimony you did draw an illustration of rotating 17:39:36

24 the seats. And instead of both of them facing 17:39:40

25 backwards, they both face forwards, correct? Page 17:39:45

		Page 239
1	263, figure at the top there, modified figures of	17:39:52
2	Offord '341.	17:39:59
3	A I see Page 263.	17:40:04
4	Q And the illustration, you made up this	17:40:07
5	illustration, right?	17:40:10
6	MR. RONDINI: Objection to the form.	17:40:13
7	A It is a modified illustration using the	17:40:16
8	teachings of Offord.	17:40:18
9	BY MR. THOMAS:	17:40:21
10	Q But you created this illustration, moving	17:40:21
11	pieces of the original figures around the way you	17:40:26
12	wanted them to be, correct?	17:40:29
13	MR. RONDINI: Objection to the form,	17:40:31
14	misstates testimony.	17:40:32
15	A It utilized the teaching and the components	17:40:36
16	that was disclosed in Offord to create these	17:40:39
17	modifications, modified views.	17:40:42
18	Q The teachings such as Offord '397 (sic)	17:40:50
19	saying that you can reverse the interface, you can	17:40:55
20	reverse the piece 10, whatever it is called, by 180,	17:41:01
21	that is the teaching you are referring to about	17:41:09
22	reversing stuff? It is the only teaching between	17:41:11
23	these two documents about reversing the seats.	17:41:14
24	MR. RONDINI: Same objection.	17:41:19
25	A I also use the viewpoints for POSITA	17:41:32

1 understanding these documents as well. 17:41:36

2 BY MR. THOMAS: 17:41:43

3 Q Which viewpoint is it that is contained in 17:41:43

4 your testimony, your direct testimony, that says 17:41:47

5 that a POSITA would not only reverse the direction 17:41:51

6 of the interface portion components 100 but also 17:41:58

7 then flip one of the seats so that both are now 17:42:04

8 facing forward again? 17:42:07

9 A Ultimately, Offord is really about 17:42:10

10 modularity of the stroller, so from a modularity 17:42:15

11 standpoint, you could reverse them. You can place 17:42:24

12 them in opposite cups, but potentially also make 17:42:28

13 sure -- I said this was looking through, I am 17:42:36

14 looking to answer your question, but you seem to 17:42:38

15 always want to cut my testimony off and not allow me 17:42:42

16 to answer the question, so... 17:42:44

17 Q Turning back to Page 264. 17:42:54

18 A I am not quite there yet. I am working on 17:43:03

19 answering your previous question. 17:43:06

20 Q I am asking you a different question now. 17:43:07

21 A So you don't want me to answer your previous 17:43:10

22 question? 17:43:12

23 Q I think that you have demonstrated that it 17:43:12

24 is going to take too long and you are going to burn 17:43:15

25 a bunch of time trying to do it, so I am going to 17:43:18

1 ask you a different question. 17:43:21

2 Looking at Offord '797, Figures 1 and 2 as 17:43:21

3 you have annotated on Page 264 of your declaration, 17:43:28

4 we have already covered, so this isn't rocket 17:43:34

5 science, that the seats start out in both facing 17:43:37

6 backwards, and then you rotate the interface portion 17:43:41

7 10 180 degrees, and now both seats are facing 17:43:46

8 forward. 17:43:50

9 My question to you is: Why would the POSA, 17:43:51

10 first thought, that if the POSA were to, as you have 17:43:57

11 opined, reverse the interface portion components 100 17:44:02

12 of the new Offord, why would the first thought of 17:44:08

13 the POSA not be that the seats would do the same 17:44:11

14 thing that they did in Offord '797, if you are using 17:44:15

15 the teachings of Offord '797 to demonstrate that 17:44:19

16 change? 17:44:24

17 MR. RONDINI: I object to form. 17:44:26

18 A The one thing, in the older structures, you 17:44:32

19 know it is a little bit more of a convoluted 17:44:36

20 structure, it is more of a full assembly whereas the 17:44:40

21 newer Offord is two individual brackets. I mean, 17:44:43

22 simply flipping them 180, left-right, you know, 17:44:46

23 different configurations, it would seem to be pretty 17:44:50

24 obvious for a POSITA, I don't know if it even takes 17:44:52

25 a POSITA to understand that a general parent can 17:44:57

1 look at that and say, I could flip those around, 17:45:00  
2 make them forward and reverse. 17:45:03

3 And to me, I don't know where the difficulty 17:45:03  
4 is in understanding that. You could have forward 17:45:06  
5 and reverse configurations simply by swapping 17:45:08  
6 left-right and swapping the seats forward or 17:45:13  
7 backwards. 17:45:16

8 MR. THOMAS: Can we take a bio break, go off 17:45:21  
9 the record for a second? 17:45:23

10 MR. RONDINI: Yes. 17:45:24

11 (At 5:45 p.m. a recess was taken for nine 17:45:24  
12 minutes.) 17:53:50

13 MR. THOMAS: Back on the record. 17:53:50

14 BY MR. THOMAS: 17:53:53

15 Q So we are going to change gears and we are 17:53:55  
16 going to talk about kind of the case overall. 17:53:59

17 Last year you submitted five other 17:54:01  
18 declarations on Baby Jogger patents beside the two 17:54:09  
19 we have been discussing. Do you remember that? 17:54:13

20 A I was involved in some other declarations 17:54:15  
21 outside of these two. 17:54:19

22 Q And these two declarations were related to 17:54:21  
23 IPR petitions filed by Evenflo on its own, right? 17:54:28  
24 You understood that? 17:54:33

25 A I believe that's correct, yes. 17:54:34

1 Q But you also filed declarations on behalf of 17:54:38  
2 Monahan Products d/b/a UPPAbaby and Baby Generation 17:54:43  
3 d/b/a Mockingbird as well, right? 17:54:48  
4 MR. RONDINI: Objection, foundation, outside 17:54:51  
5 the scope. 17:54:55  
6 A I had additional declarations outside the 17:54:55  
7 scope of these two, yes. 17:54:58  
8 BY MR. THOMAS: 17:54:59  
9 Q And they were for UPPAbaby and Mockingbird, 17:54:59  
10 right? 17:55:02  
11 MR. RONDINI: Same objection. 17:55:03  
12 A I would have to remember exact the company 17:55:07  
13 names. There are a lot of different organizations 17:55:12  
14 involved there, so I would have to go back and 17:55:15  
15 reference that. That was from last year. 17:55:16  
16 But I know I did additional declaration 17:55:18  
17 related to the strollers in this case. 17:55:22  
18 Q Do you remember any of the law firms that 17:55:24  
19 you -- do you remember all of the law firms you have 17:55:28  
20 interacted with in terms of working on these 17:55:31  
21 declarations challenging Baby Jogger patents? 17:55:35  
22 MR. RONDINI: I am going to instruct the 17:55:38  
23 witness, this is a yes or no question. 17:55:39  
24 A Not at this point, I remember legal -- no, I 17:55:46  
25 don't remember the exact name of all the legal 17:55:49

1	entities.	17:55:50
2	BY MR. THOMAS:	17:55:51
3	Q For Evenflo, are you familiar with the	17:55:51
4	Brooks Kushman firm?	17:55:57
5	MR. RONDINI: This is a yes or no question.	17:56:00
6	A Yes.	17:56:03
7	Q And Mr. Rondini is here representing Evenflo	17:56:04
8	today. Had you had, are you familiar with the name	17:56:09
9	Thomas Cunningham of Brooks Kushman?	17:56:14
10	MR. RONDINI: Yes or no.	17:56:19
11	A I don't recall that name at this time.	17:56:20
12	Q Frank Angileri?	17:56:25
13	MR. RONDINI: Same instruction, it is a yes	17:56:27
14	or no answer.	17:56:29
15	MR. THOMAS: Mr. Rondini, I think we got it	17:56:29
16	and you don't need to coach the witness any more	17:56:31
17	than that.	17:56:34
18	MR. RONDINI: I don't know where you are	17:56:34
19	going, so I have to make sure he doesn't start	17:56:36
20	divulging things. This is getting into possible	17:56:38
21	privilege here.	17:56:42
22	BY MR. THOMAS:	
23	Q I will tell you, Mr. Prairie, that I am	17:56:43
24	going to ask you some questions about names, dates,	17:56:45
25	who, what, when and maybe where, but I am not going	17:56:50

1 to ask you about any, or I am going to try to not 17:56:55  
2 ask you about any content of the communications. 17:56:57

3 I am not going to say, what did you talk to 17:57:00  
4 so-and-so about, but I am going to say, who employed 17:57:02  
5 you, who hired you, okay? So those questions in my 17:57:04  
6 attempt is going to be not to intrude on any type of 17:57:08  
7 privilege or work product of any of the parties. 17:57:11

8 MR. RONDINI: That's getting close. So I am 17:57:15  
9 going to take every question as it is. So you 17:57:18  
10 can ask your question. I will take it as it is. 17:57:20

11 MR. THOMAS: Yes, you can take every 17:57:21  
12 question as it is, and if there is an objection 17:57:23  
13 as to privilege, then you can make that 17:57:25  
14 objection. 17:57:27

15 MR. RONDINI: Very well. 17:57:30

16 Q So you worked with Mr. Rondini -- who did 17:57:32  
17 you work with in terms of working on these two 17:57:38  
18 declarations, in preparing the declarations? 17:57:41

19 MR. RONDINI: Objection, that is -- no, that 17:57:44  
20 is getting into possible privileged 17:57:47  
21 communications. There is no relevancy here. 17:57:50

22 So, no, I am going to instruct the witness 17:57:53  
23 not to answer that. 17:57:56

24 BY MR. THOMAS: 17:57:57

25 Q Are you going to follow that instruction, 17:57:58

1	Mr. Prairie?	17:57:59
2	A Yes, I am.	17:57:59
3	Q How did you become involved with these	17:58:00
4	cases?	17:58:02
5	MR. RONDINI: Same objection. I am going to	17:58:03
6	instruct the witness not to answer.	17:58:05
7	MR. THOMAS: What is the basis of your --	17:58:06
8	let's go off the record.	17:58:08
9	MR. RONDINI: Warren --	
10	THE COURT REPORTER: Are we off the record?	
11	MR. RONDINI: No, we are not going off the	17:58:12
12	record.	17:58:13
13	Warren, you are starting to get into asking	17:58:14
14	him why he was engaged by certain law firms, how	17:58:17
15	he was engaged, who he talked to and what he	17:58:21
16	talked about. That is privileged communications.	17:58:22
17	You are well aware of it.	17:58:23
18	MR. THOMAS: I am not.	17:58:25
19	MR. RONDINI: I am going to instruct the	17:58:26
20	witness not to answer that.	17:58:27
21	MR. THOMAS: Okay. The question was, "How	17:58:28
22	did you become involved with these cases," and --	17:58:30
23	MR. RONDINI: Right, which means how was he	17:58:34
24	contacted by an attorney, what did they talk	17:58:36
25	about.	17:58:38

1	BY MR. THOMAS:	17:58:39
2	Q Mr. Rondini has an objection and has	17:58:39
3	instructed you not to answer. Are you going to	17:58:42
4	follow that instruction, Mr. Prairie?	17:58:43
5	A Yes, I am.	17:58:44
6	Q Who initially reached out to you to contact	17:58:45
7	you --	17:58:50
8	MR. RONDINI: Same objection.	17:58:50
9	MR. THOMAS: Excuse me, let me finish my	17:58:50
10	question, Mr. Rondini.	17:58:52
11	Q Who initially contacted you about engaging	17:58:55
12	you on these matters?	17:58:59
13	MR. RONDINI: Same instruction.	17:59:01
14	A No answer.	17:59:04
15	Q When were you contacted to be engaged on	17:59:06
16	these matters?	17:59:09
17	MR. RONDINI: I am going to instruct the	17:59:10
18	witness, you can give a date if you recall.	17:59:12
19	A I do not recall a date.	17:59:16
20	Q Do you recall the identity of the person who	17:59:19
21	initially reached out to you?	17:59:22
22	MR. RONDINI: I instruct you not to answer.	17:59:24
23	A No answer.	17:59:26
24	MR. THOMAS: Mr. Rondini, just as well you	17:59:29
25	know that identities of people involved in	17:59:30

1           communications are in fact not privileged. So           17:59:33  
2           that is a poorly taken objection.           17:59:35  
3           We can fight about it later. We will do it.           17:59:36  
4           But I am going to say it on the record that that           17:59:39  
5           is not a well-taken objection.           17:59:41  
6           MR. RONDINI: The way you are phrasing           17:59:42  
7           questions, Warren, your tone all day, you have           17:59:43  
8           been harassing the witness. Now you are trying           17:59:46  
9           to poke in and breach about possible           17:59:46  
10          communications he had with multiple different law           17:59:49  
11          firms.           17:59:51  
12          And I am here as one law firm. So I got to           17:59:51  
13          protect these other law firms. So I am going to           17:59:54  
14          instruct him not to answer and we can take it up,           17:59:57  
15          that's fine.           17:59:59  
16          I don't see the relevancy in it. We are           18:00:00  
17          here for these two IPRs today, not the other ones           18:00:02  
18          that were not instituted. You are well aware           18:00:05  
19          they weren't instituted.           18:00:06  
20          So I will make my objection. You want to           18:00:08  
21          take it up, we will take it up.           18:00:11  
22          MR. THOMAS: Okay.           18:00:12  
23          BY MR. THOMAS:           18:00:13  
24          Q       Mr. Prairie, had you worked with Mr. Rondini           18:00:14  
25          before working with him on these two IPR matters?           18:00:19

1	MR. RONDINI: Objection, relevancy.	18:00:25
2	You can answer yes or no if you know.	18:00:27
3	A I have worked with him on this case.	18:00:32
4	BY MR. THOMAS:	18:00:34
5	Q You had not worked with Mr. Rondini before	18:00:34
6	this case?	18:00:36
7	MR. RONDINI: Yes or no, if you know.	18:00:38
8	A I've worked with him with regards to this	18:00:41
9	case.	18:00:44
10	BY MR. THOMAS:	18:00:44
11	Q In working on the whole series of cases, the	18:00:44
12	seven related declarations that you filed within	18:00:49
13	about a two-week span, did you meet any employees or	18:00:51
14	representatives of the three petitioners themselves,	18:00:55
15	not counsel but did you talk to any employees or	18:00:58
16	representatives of non-attorney representatives of	18:01:02
17	the three petitioners?	18:01:06
18	MR. RONDINI: I am going to object. It is	18:01:08
19	outside the scope, relevancy and instruct the	18:01:09
20	witness not to answer because, A, again, we are	18:01:11
21	here for these two proceedings. Whether or not	18:01:15
22	he may have talked to someone else that I don't	18:01:17
23	know about, I can't have him answer because I	18:01:19
24	don't have the other attorneys here.	18:01:21
25	You want to get the other law firms involved	18:01:23

1 and have them all sit in this room and answer 18:01:24  
2 that question? We will do that. 18:01:26  
3 We are not doing it here today. So I will 18:01:27  
4 instruct him not to answer. 18:01:28  
5 MR. THOMAS: And the basis of your 18:01:30  
6 instruction not to answer the question is -- 18:01:32  
7 MR. RONDINI: Basic instruction is you are 18:01:34  
8 asking -- 18:01:35  
9 MR. THOMAS: Hold on. I am asking a 18:01:35  
10 question. 18:01:36  
11 MR. RONDINI: -- about privilege with other 18:01:36  
12 attorneys that are not present here to defend 18:01:37  
13 this lawsuit or defend this IPR. We are here for 18:01:39  
14 these two IPRs. 18:01:41  
15 You are asking questions outside these two 18:01:43  
16 IPRs and I am instructing him not to answer. 18:01:47  
17 MR. THOMAS: You are welcome to object to -- 18:01:48  
18 MR. RONDINI: I am instructing him. 18:01:50  
19 MR. THOMAS: You are welcome to object to 18:01:51  
20 the scope, of outside the scope, if that's what 18:01:53  
21 you think. 18:01:55  
22 MR. RONDINI: It is what I think. 18:01:56  
23 MR. THOMAS: You know as well as I know, you 18:01:56  
24 and I know that asking if he met with employees 18:01:58  
25 or representatives of the Petitioners is not a 18:02:01

1 question about content or communications with any 18:02:05  
2 attorneys. 18:02:08  
3 MR. RONDINI: Warren, you just used the word 18:02:09  
4 "petitioners." We are here for two petitions, 18:02:11  
5 the IPRs that are right here. 18:02:13  
6 You are asking questions about other people 18:02:15  
7 that are not here today. 18:02:18  
8 MR. THOMAS: I am, yes. 18:02:20  
9 MR. RONDINI: So I am going to instruct him 18:02:20  
10 not to answer, outside the scope. I instruct him 18:02:21  
11 not to answer. 18:02:23  
12 MR. THOMAS: You are not allowed to instruct 18:02:23  
13 him not to answer on an outside-the-scope 18:02:25  
14 question. 18:02:27  
15 MR. RONDINI: It is seeking possible 18:02:28  
16 privileged communications. I will instruct him 18:02:29  
17 not to answer because I don't know the answer to 18:02:31  
18 that question, so I can't have him answer. 18:02:33  
19 MR. THOMAS: Frivolous objection. 18:02:34  
20 BY MR. THOMAS:  
21 Q Mr. Prairie, other than the lawyers for 18:02:37  
22 Evenflo, have you had any communications with 18:02:40  
23 employees or other representatives of Evenflo? 18:02:43  
24 MR. RONDINI: You can answer that yes or no. 18:02:49  
25 A No. 18:02:52

1	BY MR. THOMAS:	18:02:54
2	Q Do you have an engagement letter regarding	18:02:54
3	your work on these matters?	18:02:58
4	MR. RONDINI: You can say yes or no if you	18:03:04
5	have -- "these matters," I will object to that an	18:03:07
6	as vague. You want to clarify "these matters"?	18:03:09
7	Q Do you have an engagement letter with	18:03:12
8	Evenflo?	18:03:14
9	MR. RONDINI: I object to form.	18:03:16
10	You can answer yes or no if you know.	18:03:18
11	A I have an engagement letter to work on this	18:03:20
12	case.	18:03:22
13	Q And do you have an engagement letter to work	18:03:23
14	on both of the 1140 and 1122 IPRs, correct?	18:03:26
15	MR. RONDINI: Objection to form.	18:03:33
16	You can answer yes or no if you know.	18:03:34
17	A I don't recall the exact details of the	18:03:38
18	engagement letter.	18:03:39
19	Q Do you recall whether there's one engagement	18:03:45
20	letter with Evenflo or two engagement letters	18:03:48
21	with --	18:03:50
22	MR. RONDINI: I am going to instruct him --	18:03:51
23	Q -- Evenflo?	18:03:51
24	MR. THOMAS: If you want to make an	18:03:51
25	instruction, John, you can make it after I finish	18:03:52

1	my question. How about we just start with that?	18:03:55
2	Can we do that?	18:03:57
3	BY MR. THOMAS:	18:03:59
4	Q The question is: Do you recall whether	18:03:59
5	there is one engagement letter with Evenflo or	18:04:02
6	multiple engagement letters with Evenflo?	18:04:05
7	MR. RONDINI: I am going to instruct the	18:04:08
8	witness not to answer.	18:04:10
9	MR. THOMAS: And on what basis is that, Mr.	18:04:12
10	Rondini?	18:04:14
11	MR. RONDINI: Seeking possible privileged	18:04:14
12	information, and you know it. So I will instruct	18:04:16
13	him not to answer.	18:04:17
14	MR. THOMAS: The number of engagement	18:04:19
15	letters is --	18:04:20
16	MR. RONDINI: I am going to instruct him not	18:04:20
17	to answer, yes.	18:04:21
18	Q Are you going to follow that instruction,	18:04:23
19	Mr. Prairie?	18:04:24
20	A Yes, I am.	18:04:25
21	Q Do you have a written engagement letter with	18:04:26
22	UPPAbaby?	18:04:30
23	MR. RONDINI: Same instruction.	18:04:31
24	A No response.	18:04:34
25	Q Do you have a written engagement letter with	18:04:35

1	Mockingbird?	18:04:38
2	MR. RONDINI: Same instruction.	18:04:39
3	A No response.	18:04:42
4	BY MR. THOMAS:	18:04:43
5	Q Do you have one engagement letter that	18:04:43
6	covers all of the proceedings?	18:04:45
7	MR. RONDINI: Same objection.	18:04:49
8	Q Or multiple?	18:04:52
9	MR. RONDINI: Same instruction.	18:04:54
10	A No response.	18:04:54
11	Q Do you know who signed your engagement	18:04:56
12	letter or any engagement letter that you have with	18:05:00
13	regard to these Evenflo IPRs?	18:05:05
14	MR. RONDINI: Same instruction.	18:05:09
15	A I can respond that I signed the engagement	18:05:12
16	letter.	18:05:14
17	Q Do you know if the engagement letter was	18:05:15
18	countersigned by a party or a representative of the	18:05:18
19	party?	18:05:21
20	MR. RONDINI: Instruct the witness not to	18:05:22
21	answer.	18:05:23
22	A I am not going to answer.	18:05:25
23	Q Who did you negotiate with over your rate or	18:05:28
24	who did you have communications with about the rates	18:05:33
25	that you would charge on these matters?	18:05:35

1 MR. RONDINI: Same instruction. 18:05:38  
2 A No response. 18:05:41  
3 Q Do you invoice, do you prepare invoices for 18:05:44  
4 the work that you have done on these two IPRs, the 18:05:48  
5 1140 and the 1122 IPRs? 18:05:53  
6 MR. RONDINI: You could answer yes or no. 18:05:57  
7 A Yes. 18:05:59  
8 BY MR. THOMAS: 18:06:00  
9 Q Do you prepare invoices for the other IPRs 18:06:00  
10 that you work on? 18:06:05  
11 MR. RONDINI: I will instruct the witness 18:06:06  
12 not to answer. 18:06:08  
13 A No response. 18:06:09  
14 Q Before you take that instruction, Mr. 18:06:10  
15 Prairie -- 18:06:14  
16 MR. THOMAS: Mr. Rondini, will you identify 18:06:14  
17 the basis of your instruction not to answer? 18:06:16  
18 MR. RONDINI: Again, you are asking 18:06:18  
19 questions regarding parties not related to this 18:06:19  
20 IPR or the IPRs at hand here. They are not here 18:06:23  
21 to defend either, A, their client, or B, those 18:06:28  
22 proceedings. So you are seeking possibly 18:06:31  
23 privileged information. I am going to instruct 18:06:35  
24 the witness not to answer. 18:06:36  
25 I am not defending Mockingbird or UPPAbaby 18:06:38

1 or Monahan Products. I am here on behalf of 18:06:42  
2 Evenflo. We are here on behalf of the Evenflo 18:06:44  
3 IPR petitions only. 18:06:47  
4 So I'm instructing the witness not to 18:06:48  
5 answer. You can take it up with the Board if you 18:06:50  
6 want. I am going to instruct him. 18:06:52  
7 MR. THOMAS: And for the record, is it your 18:06:54  
8 position that my question -- 18:06:55  
9 MR. RONDINI: I don't know the answer, 18:06:58  
10 Warren. 18:07:01  
11 MR. THOMAS: Do you believe -- but to 18:07:01  
12 interpose the objection, you must have some 18:07:06  
13 basis. So I am wondering what your basis is. 18:07:07  
14 You don't have a basis for your objection, is 18:07:10  
15 that what you are saying? 18:07:11  
16 MR. RONDINI: I already said I have a basis. 18:07:12  
17 The basis is you are asking questions about 18:07:13  
18 parties that are not present to this deposition. 18:07:16  
19 You are trying to possibly breach privileged 18:07:17  
20 communications with other law firms not here 18:07:20  
21 today. 18:07:22  
22 It is not proper, Warren, and you know it. 18:07:23  
23 I will instruct him not to answer. 18:07:27  
24 MR. THOMAS: For the record, is the 18:07:28  
25 preparation of invoices for the work the witness 18:07:32

1 has done, does the preparation of invoices call 18:07:35  
2 for privileged information, Mr. Rondini? 18:07:41  
3 MR. RONDINI: I don't know. 18:07:43  
4 MR. THOMAS: You don't know. 18:07:43  
5 MR. RONDINI: I don't know because I don't 18:07:44  
6 know what he did with the other law firms, so I 18:07:45  
7 don't know how he did it or what he did. I can't 18:07:47  
8 have him answer. 18:07:49  
9 BY MR. THOMAS: 18:07:50  
10 Q Mr. Prairie, I think you said earlier that 18:07:51  
11 you prepared the invoices, correct? 18:07:52  
12 MR. RONDINI: No, that is not what he said. 18:07:55  
13 Q Mr. Prairie, did you prepare invoices? 18:07:58  
14 MR. RONDINI: You are conflating everything. 18:08:00  
15 Warren, you are trying to conflate all seven into 18:08:02  
16 one. 18:08:05  
17 No, this is not proper. This line of 18:08:06  
18 questioning is not proper. It is not proper at 18:08:09  
19 all. 18:08:12  
20 MR. THOMAS: Okay, I understand your 18:08:13  
21 position. Well, no, I don't understand your 18:08:14  
22 position but, I understand that's what you are 18:08:17  
23 saying your position is. 18:08:19  
24 BY MR. THOMAS: 18:08:23  
25 Q Let me try to limit it to, for the purposes 18:08:23

1 of this question, for the two IPRs we are discussing 18:08:26  
2 today, the 1122 and the 1140 IPRs, did you, Mr. 18:08:30  
3 Prairie, prepare invoices for the work that you did 18:08:34  
4 with respect to these two IPRs so that you would be 18:08:37  
5 paid for your on those two IPRs? 18:08:41  
6 A Yes, I did. 18:08:47  
7 Q And you also worked on three other IPRs for 18:08:48  
8 Evenflo, this party that is represented by Mr. 18:09:01  
9 Rondini. 18:09:06  
10 MR. RONDINI: No, no, no. 18:09:06  
11 MR. THOMAS: Don't interrupt, please. 18:09:07  
12 Q Did you also prepare invoices for your work 18:09:08  
13 on those three IPRs? 18:09:11  
14 MR. RONDINI: I am going to instruct the 18:09:12  
15 witness not to answer because it is not just 18:09:13  
16 Evenflo. You know that those were joint filings, 18:09:16  
17 which is why they are not here today. 18:09:18  
18 So I am going to instruct the witness not to 18:09:23  
19 answer because I can't have him answer something 18:09:25  
20 I don't know the full answer to. So I am going 18:09:27  
21 to instruct him not to answer. 18:09:29  
22 Q Who did you, at least as to the two IPRs 18:09:33  
23 today, when you prepared your invoices, who did you 18:09:37  
24 submit them to? 18:09:41  
25 MR. RONDINI: I will instruct the witness 18:09:42

1 not to answer. This is improper questioning. 18:09:43

2 BY MR. THOMAS: 18:09:48

3 Q Mr. Prairie? 18:09:48

4 A I will take legal advice on that. No, no 18:09:49

5 response. 18:09:52

6 Q How frequently did you submit invoices for 18:09:53

7 the two IPRs we are discussing today? 18:09:57

8 MR. RONDINI: Same instruction. 18:10:01

9 Q Mr. Prairie? 18:10:03

10 A I don't recall. 18:10:03

11 Q Were you paid for the work that you had 18:10:05

12 performed on these two IPRs? 18:10:08

13 MR. RONDINI: You can answer yes or no to 18:10:11

14 that question. 18:10:13

15 A The invoices that were created, yes. There 18:10:13

16 is still work in progress including today. 18:10:19

17 Q So I asked if the invoices that you have 18:10:22

18 already submitted -- let me start over. 18:10:24

19 For the invoices that you have already 18:10:27

20 submitted for these two IPRs that were instituted, 18:10:29

21 have you already been paid for those invoices? 18:10:36

22 MR. RONDINI: Yes or no. 18:10:43

23 A I honestly don't remember. I've been busy 18:10:45

24 for the last few months. I don't remember what hit 18:10:48

25 my books, so I honestly can't tell you. I don't 18:10:50

1 know. 18:10:52

2 I am off spring break next week. I am doing 18:10:52

3 book work. So some of these things take a few 18:10:56

4 months to process, so I honestly don't know. 18:10:58

5 BY MR. THOMAS: 18:11:00

6 Q And for the other three IPRs that you 18:11:00

7 submitted on, in part on behalf of Evenflo, who paid 18:11:04

8 you for those invoices? 18:11:09

9 MR. RONDINI: I am going to instruct you not 18:11:10

10 to answer. 18:11:12

11 You are talking about the other three now. 18:11:13

12 A No response. 18:11:16

13 Q For the work that you performed in June 2025 18:11:19

14 and before that encompassed seven different IPR 18:11:23

15 declarations, how much have you been paid for the 18:11:30

16 work that you did up through submitting all seven of 18:11:35

17 those declarations in June 2025? 18:11:40

18 MR. RONDINI: I will instruct the witness 18:11:43

19 not to answer because, again, you are talking 18:11:44

20 about matters that are outside of my 18:11:47

21 understanding, could involve privilege. So I am 18:11:49

22 going to instruct him not to answer. 18:11:52

23 BY MR. THOMAS: 18:11:55

24 Q Mr. Prairie? 18:11:55

25 A No response. 18:11:55

1	Q	Is the matter of how much you have been	18:11:57
2		paid, would that be within your understanding, Mr.	18:11:59
3		Prairie?	18:12:02
4	MR. RONDINI:	It could involve something	18:12:05
5		with counsel that is not represented here today,	18:12:09
6		Warren, so I am going to instruct him not to	18:12:11
7		answer because I don't know the answer to that	18:12:13
8		question.	18:12:15
9		If you are talking just proceedings today,	18:12:16
10		that's different. But you know you are not, so	18:12:19
11		it is improper. I am going to instruct him not	18:12:22
12		to answer.	18:12:24
13	MR. THOMAS:	And is the basis of your	18:12:25
14		instruction a privilege objection?	18:12:27
15	MR. RONDINI:	Yes.	18:12:29
16	MR. THOMAS:	Work product objection.	18:12:30
17	MR. RONDINI:	It is a possible privilege,	18:12:31
18		possibly work product. I don't know what other	18:12:32
19		privilege might apply because I am not	18:12:34
20		representing the other parties.	18:12:36
21	MR. THOMAS:	So your position is that the	18:12:37
22		amount of money that he has been paid is	18:12:39
23		privileged or could be privileged.	18:12:41
24	MR. RONDINI:	The amount or what he was paid	18:12:44
25		for, I don't know. I am not the other parties,	18:12:46

1 Warren. So I can't have him answer. 18:12:48

2 MR. THOMAS: I appreciate you helping me 18:12:50

3 make this record, thank you. 18:12:51

4 BY MR. THOMAS: 18:12:52

5 Q How many hours of work have you done from 18:12:53

6 July 21 -- sorry, excuse me. I will start over. 18:12:55

7 How many hours of work have you done from 18:12:58

8 July 1, 2025 through yesterday on these two IPRs? 18:13:00

9 MR. RONDINI: If you know the total, you can 18:13:12

10 answer. 18:13:13

11 A I really don't know. 18:13:14

12 BY MR. THOMAS: 18:13:16

13 Q Is it more than five hours? 18:13:16

14 A I know this game. I'm not going to enter 18:13:18

15 into your conversation on that. I honestly don't 18:13:24

16 know. 18:13:26

17 Q So you are refusing to answer? Can you give 18:13:26

18 me an estimate on the number of hours? 18:13:29

19 A I cannot, so I will stick with that answer. 18:13:30

20 You can go up, down, greater than, less than, do all 18:13:34

21 you want to do, but I am going to stick with, I 18:13:37

22 honestly don't know the total number. 18:13:39

23 Q When you were paid, by what method of 18:13:41

24 pavement did you receive your payment, check, ACH, 18:13:44

25 Venmo, whatever? What method did the money come to 18:13:50





1           communications with other law firms and           18:15:58  
2           attorneys, so I am going to instruct him not to           18:15:59  
3           answer.           18:16:02  
4       BY MR. THOMAS:           18:16:03  
5           Q       Mr. Prairie, are you going to not answer the           18:16:03  
6           question of whether or not you have records of your           18:16:06  
7           invoices in your possession that are sent beyond           18:16:09  
8           these two IPRs here today?           18:16:13  
9           A       I will seek legal counsel and say no, I           18:16:15  
10          won't answer.           18:16:19  
11          Q       And hypothetically, if they exist -- never           18:16:19  
12          mind, withdraw the question.           18:16:29  
13                   I am going to assume that they exist. And           18:16:30  
14          assuming that they do, you could locate and review           18:16:32  
15          them if asked, correct, as to the other IPR           18:16:37  
16          declarations?           18:16:42  
17                   MR. RONDINI: He's already been instructed           18:16:43  
18          not to answer, so I don't know how he answers           18:16:45  
19          this hypothetical, Warren.           18:16:47  
20          Q       Mr. Prairie, do you tend to keep copies of           18:16:51  
21          the invoices that you submit in the work that you           18:16:54  
22          do?           18:16:55  
23          A       Sometimes.           18:16:57  
24          Q       When you did work for BOB Gear, did you keep           18:16:59  
25          copies of your invoices for them?           18:17:03



1           A       It was a declaration of mine, some of the       18:19:12  
2       other ones that you have asked about. It is outside       18:19:14  
3       of the conversation of today's.                               18:19:17  
4           Q       And here on Page -- this was previously       18:19:19  
5       marked Mockingbird Exhibit, Mockingbird, et al.       18:19:25  
6       Exhibit 1001 here on Page 3/112. Is that your       18:19:29  
7       signature, electronic signature on this page?       18:19:35  
8           A       Yes, it appears to be my signature on that       18:19:38  
9       page that you have shown.                                     18:19:41  
10          Q       And it was signed on June 5, 2025?       18:19:42  
11          A       Yes.   18:19:45  
12          Q       Did you write this declaration, Mr. Prairie?   18:19:48  
13               MR. RONDINI: Objection to form.                     18:19:50  
14          A       This document represents my declaration, my   18:19:56  
15       words. I had assistance on this, but this                 18:20:00  
16       represents my declaration.                                   18:20:05  
17       BY MR. THOMAS:   18:20:07  
18          Q       When you say you had assistance, what do you   18:20:07  
19       mean by that?   18:20:11  
20          A       It is a legal document, and so obviously it   18:20:15  
21       needs legal support. There was assistance in               18:20:18  
22       pulling references, potentially interpreting               18:20:22  
23       references.   18:20:25  
24               But ultimately I reviewed the document,           18:20:26  
25       personally wrote much of it, reviewed all of it           18:20:31

1 multiple times and ultimately approved it. 18:20:34

2 Q And when you said you had assistance, you 18:20:37

3 had assistance on writing this document, who 18:20:41

4 assisted you with writing this document? 18:20:43

5 A It would have been the legal firms 18:20:44

6 representing this particular case. 18:20:50

7 Q You see here that this is one of the 18:20:55

8 petitions filed on behalf of the three petitioners, 18:20:58

9 Baby Generation, Evenflo and Monahan Products, 18:21:00

10 correct? 18:21:05

11 A Yes, there are multiple entities listed 18:21:06

12 there. 18:21:10

13 Q And then on Paragraph 1 you testified in 18:21:11

14 this declaration that you were making it at the 18:21:19

15 request of petitioners in the matter of the '231 18:21:22

16 patent IPR, correct? 18:21:27

17 MR. RONDINI: Objection to form, outside the 18:21:28

18 scope. 18:21:30

19 A What's your question again, Mr. Thomas? 18:21:33

20 BY MR. THOMAS: 18:21:35

21 Q This declaration, according to your 18:21:35

22 testimony here, you would agree that this was made 18:21:39

23 on behalf, at the request of all three petitioners, 18:21:41

24 correct? 18:21:45

25 A Yes, I guess I would agree with the 18:21:51

1 statement that what is stated in number one, 18:21:53  
2 sentence number one, I would agree with. 18:21:56

3 Q And did that work on this declaration 18:21:58  
4 involve communications with counsel for all three 18:22:01  
5 petitioners? 18:22:05

6 MR. RONDINI: I instruct the witness to 18:22:06  
7 answer yes or no to the extent you know. 18:22:07

8 A I worked with multiple entities on this 18:22:14  
9 document. 18:22:16

10 BY MR. THOMAS: 18:22:18

11 Q It wasn't just Evenflo? 18:22:18

12 MR. RONDINI: Objection to form. Again, I 18:22:23  
13 am going to instruct the witness, just answer yes 18:22:25  
14 or no to the extent you know. 18:22:27

15 A I worked with multiple entities on this 18:22:27  
16 document. 18:22:30

17 Q I am going to go to Page 27 of Exhibit 2104. 18:22:31  
18 Here we go. You see the section, Relevant Legal 18:22:45  
19 Standards? And then here, Paragraph 19, you see 18:22:50  
20 that it reads, "Counsel has advised me that for a 18:22:53  
21 patent claim to be valid," and then you go on and 18:22:56  
22 have some information about what counsel has advised 18:22:59  
23 you. Do you see that? 18:23:02

24 MR. RONDINI: Objection to form. 18:23:05

25 A I see what you have on the screen. 18:23:09

1	BY MR. THOMAS:	18:23:11
2	Q So my question is: Who was the counsel that	18:23:11
3	advised you about the standard, legal standard for	18:23:14
4	anticipation?	18:23:19
5	MR. RONDINI: Objection to form. I will	18:23:20
6	instruct the witness, you can answer if you know.	18:23:22
7	A I don't recall the exact direction that this	18:23:28
8	came from.	18:23:32
9	Q So it might have been Mr. Rondini?	18:23:34
10	MR. RONDINI: Objection to form.	18:23:37
11	Q But you don't remember, right? It could	18:23:38
12	have been Mr. Rondini?	18:23:41
13	MR. RONDINI: Objection to form.	18:23:41
14	A I don't recall the exact counsel referenced	18:23:44
15	there, where that came from.	18:23:48
16	Q Because you don't recall, it could have been	18:23:49
17	a counsel for UPPAbaby?	18:23:52
18	MR. RONDINI: Same objection, asked and	18:23:56
19	answered.	18:23:59
20	A Honestly, I don't recall.	18:24:00
21	BY MR. THOMAS:	18:24:01
22	Q And it could have been a counsel for	18:24:01
23	Mockingbird?	18:24:07
24	MR. RONDINI: Same objection, asked and	18:24:07
25	answered.	18:24:08



1 call, and then you are inferring all three and 18:25:17  
2 trying to mix it and trying to break into what 18:25:18  
3 the communications were about by asking -- you 18:25:20  
4 know there were multiple petitions. You know 18:25:23  
5 there were seven. You already established that. 18:25:25  
6 So I am going to instruct him not to answer 18:25:26  
7 because, A, again, I might not have been present, 18:25:28  
8 there are other attorneys. I can't have him 18:25:32  
9 answer something that I don't know the answer to. 18:25:34  
10 You are asking about potentially privileged 18:25:35  
11 information. I can't let him answer. 18:25:37  
12 MR. THOMAS: For the record, your position 18:25:41  
13 that you are representing here is that the 18:25:43  
14 identity of counsel in these meetings discussing 18:25:46  
15 the subject matter of this declaration is 18:25:51  
16 privileged information? 18:25:56  
17 MR. RONDINI: No, no. I am objecting 18:25:58  
18 because you are poking and prodding about other 18:26:01  
19 law firms and what he did with other law firms on 18:26:04  
20 multiple different proceedings that he did last 18:26:07  
21 year that aren't the subject of these two IPRs. 18:26:09  
22 The Board has already decided the other 18:26:12  
23 ones. We are here related to these two. We have 18:26:13  
24 spent now six hours and almost, almost 57, 58 18:26:17  
25 minutes talking about those. 18:26:22

1           Now you are trying to poke and prod about           18:26:24  
2           potentially privileged communications that I           18:26:26  
3           don't have any knowledge about. So I can't have           18:26:29  
4           him answer because I don't have the answers           18:26:30  
5           today. I don't know how he would answer. I           18:26:33  
6           don't know what he would answer.           18:26:35  
7       BY MR. THOMAS:           18:26:36  
8           Q     Mr. Prairie, you are not going to answer the           18:26:36  
9           question, correct?           18:26:43  
10          A     I don't even know what question you asked           18:26:43  
11          anymore.           18:26:45  
12          Q     I pulled up Baby Jogger Exhibit 2106. This           18:26:45  
13          is another declaration you submitted last June,           18:26:53  
14          Mr. Prairie. Do you see that?           18:26:56  
15          A     I see the title page of that declaration of           18:27:00  
16          mine on the screen.           18:27:03  
17          Q     And again, you see that this was filed and           18:27:04  
18          submitted on behalf of all three petitioners?           18:27:08  
19          A     There are multiple petitioners on this           18:27:10  
20          declaration.           18:27:20  
21          Q     I am going to go to Paragraph 258 of this           18:27:20  
22          Exhibit 2106.           18:27:33  
23               MR. RONDINI: Warren, are you close, because           18:28:27  
24               I have about four minutes left of record time.           18:28:29  
25               MR. THOMAS: I am getting close. I am           18:28:31

1           having some technical difficulties here. Am I           18:28:38  
2           looking at the right document?           18:28:42  
3                    I am back to sharing. My apologies for that           18:29:21  
4           brief delay. Here we go.           18:29:23  
5 BY MR. THOMAS:           18:29:28  
6           Q        So this is Exhibit 2106 which was the           18:29:28  
7           declaration from the 1100 IPR challenging the '568           18:29:31  
8           patent. You have a statement here in Paragraph 258           18:29:38  
9           that says, "I have been further informed by counsel           18:29:46  
10          that Rolicki is prior art under at least"...           18:29:50  
11                   My question is -- shoot, I didn't share it,           18:29:55  
12          did I? You could have given me a heads up about           18:30:02  
13          that?           18:30:08  
14                   Do you see the Paragraph 258, Mr. Prairie?           18:30:09  
15          A        I see a Paragraph 258 here. I don't know           18:30:11  
16          what document this is.           18:30:17  
17          Q        It is the one that I just told you about           18:30:18  
18          that I just read off to you. And you see that it           18:30:21  
19          say, "I have been further informed by counsel that           18:30:23  
20          Rolicki is prior art." And the question is: What           18:30:25  
21          counsel informed you that Rolicki is prior art?           18:30:29  
22                   MR. RONDINI: Objection to form, foundation.           18:30:34  
23          A        I don't recall, and the '568, it wasn't           18:30:40  
24          under the two that we are discussing today.           18:30:45  
25 BY MR. THOMAS:           18:30:52

1	Q	And here I've scrolled down to Paragraph	18:30:52
2		263. "Counsel has informed me that Liao is prior	18:30:56
3		art"...	18:30:58
4		Do you recall the identity of the counsel	18:31:01
5		that informed you that Liao was prior art?	18:31:02
6		MR. RONDINI: Same objection.	18:31:06
7	A	No, I cannot recall.	18:31:09
8	Q	And then now, if you would pull up your	18:31:12
9		declaration for the '682 patent from the 1122 IPR.	18:31:16
10	A	I have '682.	18:31:26
11	Q	Go to Paragraph 225. If you are already	18:31:30
12		there, tell me the page number.	18:31:52
13		MR. RONDINI: It is 140, but we are at the	18:31:57
14		seven-hour mark, too, Warren.	18:32:00
15		MR. THOMAS: I am going to ask for a little	18:32:02
16		bit of grace given so that --	18:32:03
17		MR. RONDINI: I will give you a couple of	18:32:05
18		minutes, but a lot of the grace was the fact that	18:32:06
19		we couldn't share documents today.	18:32:11
20		BY MR. THOMAS:	
21	Q	So Paragraph 225 says, "Counsel has informed	18:32:16
22		me that Liao is prior art"... For this IPR	18:32:20
23		declaration for the '682 patent, do you know the	18:32:27
24		identity of the counsel that informed you that Liao	18:32:29
25		is prior art?	18:32:32

1 MR. RONDINI: You can answer with a specific 18:32:34  
2 name if you recall. 18:32:36  
3 A So we are not talking about the document you 18:32:38  
4 have on your screen, right? 18:32:41  
5 BY MR. THOMAS: 18:32:43  
6 Q Correct. I am asking you about your '682 18:32:43  
7 patent declaration and the statement in your '682 18:32:47  
8 patent declaration that counsel informed you that 18:32:50  
9 Liao is prior art. 18:32:52  
10 MR. RONDINI: Actually, hold on a second. 18:32:54  
11 I guess if you know the person, you can say 18:33:04  
12 yes or no, if you recall who told you this. 18:33:09  
13 A I don't recall the exact person. It would 18:33:15  
14 be the Brooks Kushman staff that I worked with on 18:33:21  
15 this document. 18:33:25  
16 MR. RONDINI: And that's it. I don't want 18:33:28  
17 you to get into any more detail that would get 18:33:30  
18 into privileged communications. 18:33:34  
19 Q So you were informed as to the status of 18:33:38  
20 Liao as prior art by some counsel for one of the 18:33:42  
21 three petitioners in the '568 patent declaration, 18:33:48  
22 but you don't know who that was; and then in the 18:33:52  
23 '682 patent declaration, you have the exact same 18:33:58  
24 statement, the exact same reasoning and discussion 18:33:59  
25 of Liao, but you are sure that that was counsel for 18:34:03

1 Evenflo that informed you that Liao was prior art, 18:34:06  
2 is that your testimony? 18:34:09  
3 MR. RONDINI: I object to the form, 18:34:11  
4 relevancy. 18:34:15  
5 A This one is a single legal firm, so it 18:34:15  
6 doesn't have to, I don't have to opine as to who it 18:34:18  
7 could be. This one, I know it was, it is a single 18:34:22  
8 legal counsel. So it is easy to answer on this one. 18:34:25  
9 BY MR. THOMAS: 18:34:29  
10 Q I guess my question is really, were you 18:34:29  
11 separately informed again that Liao was prior art? 18:34:31  
12 Because you earlier testified that you copied and 18:34:35  
13 pasted these common sections. 18:34:38  
14 MR. RONDINI: Objection to form, misstates 18:34:41  
15 testimony. 18:34:43  
16 A No, I don't recall making that statement. I 18:34:45  
17 know we had a discussion around my personal 18:34:49  
18 background, and that was common. But beyond that, 18:34:51  
19 these are different cases and have different 18:34:57  
20 assessments. 18:34:59  
21 Q Did the three parties for the '568 patent 18:35:00  
22 declaration participate equally in the development 18:35:07  
23 of and review of your testimony? 18:35:10  
24 MR. RONDINI: I am going to instruct the 18:35:14  
25 witness not to answer. That is potentially 18:35:16

1 seeking privileged information. You know it. 18:35:19  
2 He can have communications. I can't have 18:35:22  
3 him answer something about other parties, so I am 18:35:23  
4 going to instruct him not to answer. 18:35:24  
5 BY MR. THOMAS: 18:35:27  
6 Q Mr. Prairie? 18:35:28  
7 A I will take legal advice and not answer -- 18:35:28  
8 MR. RONDINI: Sorry, finish your answer. 18:35:33  
9 A No response. 18:35:34  
10 MR. RONDINI: We are way beyond the seven 18:35:35  
11 hours now. 18:35:38  
12 MR. THOMAS: Mr. Bursky, how far beyond the 18:35:40  
13 seven hours are we? 18:35:42  
14 THE COURT REPORTER: I have four minutes  
15 beyond right now.  
16 Q Mr. Prairie, did you communicate with your, 18:36:20  
17 with Evenflo's attorney, Mr. Rondini, at any point 18:36:25  
18 during any of your breaks? 18:36:30  
19 A Aren't we past the time? Do we just keep 18:36:33  
20 going beyond the seven hours or what? 18:36:36  
21 MR. RONDINI: Just this last question. 18:36:40  
22 Q We are wrapping up, okay. So did you 18:36:43  
23 communicate with Mr. Rondini at any point during the 18:36:45  
24 breaks of your deposition today? 18:36:49  
25 A I have not communicated with him at all 18:36:52

1 today other than before the call started. 18:36:54

2 Q And with any other attorneys or 18:36:56

3 representatives of Evenflo? 18:36:59

4 A No, I have not. 18:37:01

5 Q And did you consult any electronic documents 18:37:03

6 or paper notes that you have made aside from the 18:37:06

7 ones that were in the binder that we discussed 18:37:09

8 earlier today? 18:37:11

9 A No, I showed you the binder that I was 18:37:12

10 referencing today. 18:37:14

11 MR. THOMAS: I pass the witness. 18:37:15

12 MR. RONDINI: I don't have any questions. 18:37:17

13 (Witness excused.) 18:49:11

14 THE COURT REPORTER: Counsel, is the witness 18:49:11

15 going to read and sign the deposition? 18:49:17

16 MR. RONDINI: After he reviews it for 18:49:21

17 corrections. 18:49:24

18 THE COURT REPORTER: Mr. Thomas, did you 18:49:26

19 want a rough draft? 18:49:32

20 MR. THOMAS: Yes, send me a rough draft, 18:49:36

21 please. 18:49:44

22 THE COURT REPORTER: That will be tomorrow, 18:49:45

23 if that is all right. 18:49:47

24 MR. THOMAS: That's fine. 18:49:48

25 THE COURT REPORTER: Mr. Thomas, you want 18:50:30

1 three-day delivery on this? 18:50:33  
2 MR. THOMAS: Yes, please. 18:50:36  
3 THE COURT REPORTER: Mr. Rondini -- 18:50:38  
4 MR. RONDINI: I just need normal, I don't 18:50:42  
5 need any expedited. Actually, yes, I need a 18:50:44  
6 normal. 18:53:29  
7 Warren, are you going to be submitting this 18:53:30  
8 whole thing as an exhibit? 18:53:36  
9 MR. THOMAS: Yes. 18:53:39  
10 MR. RONDINI: I might not need it. I guess 18:53:42  
11 I don't need anything if he is going to submit 18:53:45  
12 the whole thing. 18:53:47  
13 Yes, I need it, because I am going to need 18:53:48  
14 to do an errata. So send it to me, just normal. 18:53:51  
15 THE COURT REPORTER: Normal delivery? 18:53:57  
16 MR. RONDINI: Yes. 18:54:00  
17  
18 (Deposition concluded at 6:41 p.m. EST.)  
19  
20  
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1 DEPOSITION ERRATA SHEET

2 Caption: EVENFLO v BABY JOGGER

Deposition of: DOUGLAS S. PRAIRIE

3 Date: MARCH 13, 2026

4 I, the undersigned, do hereby certify that I  
have read the foregoing transcript of my deposition and  
5 that:

6 \_\_\_\_\_ There are no changes noted.

7 \_\_\_\_\_ The following changes are noted:

8 Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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\_\_\_\_\_  
DOUGLAS S. PRAIRIE

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN To before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
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2 I, Richard Bursky, RMR, CRR, CCR, do hereby disclose  
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CERTIFICATE OF COURT REPORTER

STATE OF GEORGIA        )  
COUNTY OF GILMER        )

I hereby certify that the foregoing deposition was reported as stated in the caption, by the method of machine shorthand, and the questions and answers thereto were reduced to typewriting by me; that the foregoing pages represent a true, correct, and complete transcript of the evidence given on March 13, 2026, by the witness, Douglas S. Prairie, who was first duly sworn by me.

This the 15th day of March, 2026.



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Richard Bursky, RMR, CRR, CRC  
Certified Court Reporter 2509