

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC,
Petitioner,

v.

BABY JOGGER, LLC,
Patent Owner.

U.S. Patent Nos. 11,577,771

Case No.: IPR2025-01140

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

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EX1019	Certified File History of U.S. Patent No. 11,192,568
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EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non- certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. “The History of Children’s and Invalids’ Carriages.” <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716–728
EX1026	U.S. Patent No. 405,600
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I. INTRODUCTION

Sole Petitioner Evenflo Company, Inc. submits this brief in response to the Board’s authorization for supplemental briefing pertaining to claim construction positions advanced by UPPAbaby and PO in their district court litigation. Evenflo has submitted individual briefing to address the terms at issue in IPR2025-01122 and IPR2025-01140, where Evenflo is the sole “Petitioner.”

As explained in Petitioner’s Opposition to PO’s Request for Discretionary Denial, the Evenflo litigation has been dormant for over one-year, no Rule 26(f) conference has occurred, and a pending Motion to Stay is on file. (Paper 9, p. 11-12.) Therefore, Petitioner has not proposed alternate claim constructions.

Regardless, in both the jointly and individually filed petitions, Petitioner’s positions are fully aligned with the guidance set forth in *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (P.T.A.B Nov. 3, 2025), and *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (P.T.A.B. Nov. 5, 2025). Specifically, Petitioner relied on unpatentability “Grounds” where the prior art satisfies the claim construction positions proposed by both UPPAbaby and PO. As explained below, the Evenflo is not pursuing broader interpretations of the claim at the Board while pursuing narrower constructions in litigation to avoid infringement. Instead, Petitioner has demonstrated the challenged claims are unpatentable under any reasonable interpretation ensuring claim scope integrity

between forums and supporting institution to resolve priority and validity issues at the heart of the related five proceedings.

II. CLAIM LIMITATIONS FROM DISTRICT COURT LITIGATION

A. “Connector Portion”

In district court, UPPAbaby proposed that “connector portion” in the ’869, ’550, and ’231 Patents means a “male mating element that attaches by insertion into a corresponding part” while PO argued the term means “feature capable of connecting to a stroller frame.” (EX2010, p.16.)

The ’771 Patent was not asserted against UPPAbaby and therefore not part of the claim construction briefing. However, this term appears in dependent claims 5 and 7-8 of the ’771 Patent. Regardless, all Grounds in the -01140 IPR were consistent with *both UPPAbaby and Baby Jogger’s proposed constructions*, relying on prior art showing male connectors inserted into female housings. (Paper 1, pp. 47-48, 74-76, 110.) Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*.

B. “Closer”

The term “closer” was construed in district court only for the ’550 Patent, which is not at issue here. Unlike the ’550 Patent, which recites “closer to a handle” without a reference point, the ’771 and ’682 Patents provide a comparative framework. (EX2010, p22-23). Unlike the ’550 Patent, which recites “closer to a

handle” without a reference point, the ’771 and ’682 Patents provide a comparative framework. For example, claim 1 of the ’771 Patent states: “a first seat ... that is closer to the handle portion than the front end portion.” This structure (“closer to X than Y”) resolves the ambiguity underlying UPPAbaby’s indefiniteness argument, which was limited to the ’550 Patent. Therefore, Petitioner has not advanced inconsistent claim construction positions under *Revvo* and *Tesla*.

C. “Adjacent”

In district court, UPPAbaby proposed construing “adjacent” within the ’869, ’231, and ’729 Patents as meaning “next to and having contact with,” while PO argued the term means “next to” or “nearby.” (EX2010, pp.16-22; EX1055, pp.17-20.) The difference between UPPAbaby’s and PO’s proposed constructions is *whether contact is necessary*. While the ’771 Patent was also not asserted against UppaBaby, the term “adjacent” as used within dependent claim 13 was not addressed. Petitioner contends the term as used in claim 13 applies to a completely different context reciting the “upper portion of the left and right foldable members is *adjacent the handle portion*.” Regardless, Petitioner did present Grounds with prior art references demonstrating an upper portion is next to *and in contact with*

the “handle portion.”¹ (*See* Paper 1, pp.43-44, 52, 81-82, 109-110.) Therefore, UPPAbaby’s construction of “adjacent” is consistent with the arguments made in the -01140 petition.

A. “Handle Portion”

In district court, UPPAbaby argued “handle portion” means “lateral frame portion that is grasped when pushing the stroller,” while Baby Jogger argued it means “portion of frame coupled to the left and right upper tube support frame.” (EX2010, p.13). The dispute centers on whether “handle portion” necessarily includes a lateral frame (crossbar). (EX1055, p.17; EX1056, pp. 8-9 (“While the claimed handle portion may include a lateral frame portion that connects to the opposite sides of the upper tube support frame, the claims are not limited to this feature.”).)

The difference between UPPAbaby’s and PO’s constructions is immaterial to the asserted prior art because the –01140 petition relied on art showing a lateral frame portion (crossbar) connected to upper tube support frames. (Paper 1, pp. 31-32, 60-64, 90-91.) Therefore, Evenflo presented art consistent with both

¹ The use of “handle portion” in claim 13 differs significantly from its usage in other patents and reflects modifications made during prosecution of the ’543 Patent, forming the basis of Petitioner’s priority argument.

constructions and did not engage in gamesmanship contrary to *Revvo* or *Tesla*.

For one ground, Petitioner challenged priority based on the impact of PO's March 2018 amendments, to the specification and drawings, on the "handle portion" term. (Paper 1, pp.17-20; EX1018, pp.638–639). Because Petitioner relied on PO's amendments, Petitioner stated it would apply PO's proposed construction for that Ground. (Paper 1, pp.11-12). Regardless, the difference between UPPAbaby's and PO's constructions remained immaterial for the reasons stated above.

B. "Rotated with Respect To" and "Substantially Parallel"

These terms do not appear in the '771 Patent claims.

III. CONCLUSION

For the reasons discussed above, denial of the -01100 petition under the reasoning set forth in *Revvo* and *Tesla* is unwarranted.

Dated: November 18, 2025

Respectfully submitted,

/John P. Rondini/
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CERTIFICATE OF SERVICE

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

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Respectfully submitted,

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Certificate of Compliance Pursuant

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

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

Respectfully submitted,

Dated: November 18, 2025

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