

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOBA, INC.
Petitioner

v.

THE ERGO BABY CARRIER, INC.
PO

Case No. TBD
Patent No. 8,590,757

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,590,757**

TABLE OF CONTENTS

I. INTRODUCTION	1
II. SUMMARY OF THE ‘757 PATENT	1
A. Description of the Alleged Invention	1
B. Summary of the Prosecution History	1
III. REQUIREMENTS UNDER 37 C.F.R. §42.104	4
A. Grounds for Standing (37 C.F.R. §42.104(a))	4
B. Identification of Challenge (37 C.F.R. §42.104(b)) and Relief Requested	4
1. Grounds For Challenge	4
2. Level of Skill of a Person Having Ordinary Skill in the Art	6
3. Claim Construction Under 37 C.F.R. §42.104(b)(3)	6
IV. THERE IS A REASONABLE LIKELIHOOD THAT CLAIMS 1-23 OF THE ‘757 PATENT ARE UNPATENTABLE	16
A. Matey in view of Pettersen Renders Claims 1, 8-15, and 21-23 Obvious Under 35 U.S.C. §103(a).....	16
B. Matey in view of Pettersen in further view of Fair Renders Claim 2-4 Obvious Under 35 U.S.C. §103(a)	42
C. Matey in view of Pettersen in further view of Trekker Renders Claim 5- 7 and 14 Obvious Under 35 U.S.C. §103(a)	46
D. Matey in view of Pettersen in further view of Christopher Renders Claims 16-17 Obvious Under 35 U.S.C. §103(a)	51
E. Matey in view of Pettersen in further view of Fair and Trekker Renders Claims 18-20 Obvious Under 35 U.S.C. §103(a)	54
F. Pettersen in view of Matey Renders Claims 1, 8-15, and 21-23 Obvious Under 35 U.S.C. §103(a).....	59
G. Pettersen in view of Matey in further view of Fair Renders Claim 2-4 Obvious Under 35 U.S.C. §103(a)	77
H. Pettersen in view of Matey in further view of Trekker Renders Claim 5- 7, 10, and 14 Obvious Under 35 U.S.C. §103(a)	78

*Petition for Inter Partes Review of
U.S. Patent No. 8,590,757*

I. Pettersen in view of Matey in further view of Christopher Renders Claims 16-17 Obvious Under 35 U.S.C. §103(a)	80
J. Pettersen in view of Matey in further view of Fair and Trekker Renders Claims 18-20 Obvious Under 35 U.S.C. §103(a)	82
V. SECONDARY CONSIDERATIONS.....	84
VI. NO REDUNDANCY GROUNDS	88
VII. MANDATORY NOTICES UNDER 37 C.F.R. §42.8(A)(1).....	88
A. Real Party-In-Interest and Related Matters.....	88
B. Lead and Back-Up Counsel Under 37 C.F.R. §42.8(b)(3).....	89
C. Notice of Service Information (37 C.F.R. § 42.8(b)(4)):	89
D. Payment of Fees Under 37 C.F.R. §42.103.....	89

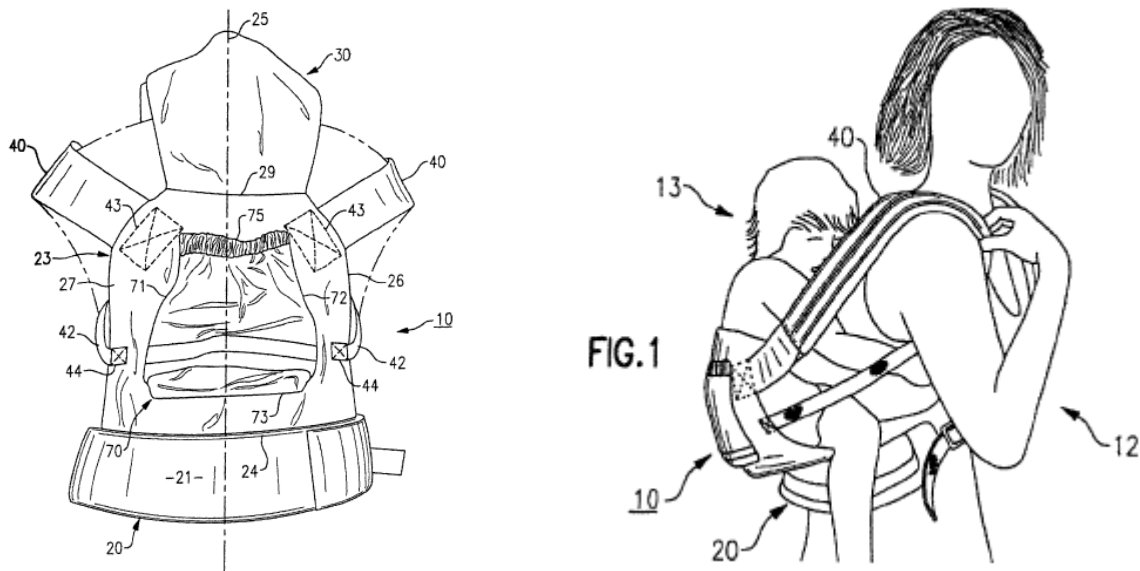
I. Introduction

Boba, Inc. (“Petitioner”) requests *Inter Partes* Review (“IPR”) of claims 1-23 of US 8,590,757 (“the ‘757 Patent”) issued on November 26, 2013 and assigned to The Ergobaby Carrier, Inc. (“PO”). Ex. 1001, ‘757 Patent.

II. Summary of the ‘757 Patent

A. Description of the Alleged Invention

The ‘757 Patent discloses a child carrier that can be mounted on the front or back of the wearer. *Id.* at Abstract, 1:16-18, Figs. 1, 2. The carrier includes an adjustable waistband 20, a main panel 23, and adjustable shoulder straps 34 and 35, which couple to the main panel at 44, away from its bottom edge.



Id. at Figs. 3, 1; also 2:65-3:24, 3:37-46.

B. Summary of the Prosecution History

The ‘757 Patent was filed December 3, 2007; is a continuation of US

7,322,498, filed September 9, 2004; and claims priority to Provisional Application 60/501,396, filed September 10, 2003 (Ex. 1005, *Provisional Application*). Ex. 1001.

On October 6, 2009, as-filed claims 1-17 were rejected as obvious over various prior art references. Ex. 1002, *'757 History*, 10/6/2009 Rejection.

In response, PO cancelled claims 1-17 and added new claims 18-37, including independent claims 18 and 36. *Id.* at 1/6/2010 Amendment. PO argued that the prior art did not teach: 1) “the wearer’s torso is substantially open to the area that carries the child”; 2) “both ends of each shoulder strap can couple to the same side of the main panel,” and 3) “the first ends of each shoulder strap [] lift the main panel to the outer side of the child carrying area.” *Id.* at pp.8-10.

On April 28, 2010, the Examiner rejected all claims, primarily as anticipated by or obvious over US2002/0011503 (“Hwang”). *Id.* at 4/28/2010 Rejection.

PO then amended independent claims 18 and 34 to require, in part, “the child carrier is configured to distribute the child’s weight to the wearer’s hips through the waistband.” *Id.* at 7/28/2010 Amendment, pp.2, 5. PO argued that Hwang does not teach: 1) “Distributing a Child’s Weight to the Wearer’s Hips” (*id.* pp.8-10); and 2) “A Carrier Adapted to be Worn in Front and Rear Carrying Positions” (*id.* pp.10-11).

On October 4, 2010, the Examiner rejected the claims, primarily as obvious

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