

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Prime Time Toys LLC, Prime Time Toys Ltd.
and Easebon Services Ltd.,
Petitioners,

v.

Spin Master, Inc.,
Patent Owner.

Case IPR2023-01339

PATENT NO. 8,640,683

PETITIONERS' MOTION TO SEAL

In conjunction with their filing of Petitioners' Reply and per the authorization in the Scheduling Order, Paper 15 at 2-3, Petitioners file this Motion to Seal. Patent Owner previously moved (Paper 21) for entry of the agreed and jointly proposed Protective Order (EX2200). Per the Board's Order, Paper 15 at 3, a "marked-up comparison of the proposed and default protective orders showing the differences between the two" is provided in EX2201.

I. THERE IS GOOD CAUSE TO ENTER THE AGREED AND JOINTLY PROPOSED PROTECTIVE ORDER

For the reasons set forth by Patent Owner in Paper 21, there is good cause to enter the agreed upon and jointly proposed Protective Order (EX2200). As discussed in Paper 21, in this IPR the parties both intend to re-file and rely on confidential materials that have already been filed under seal in a parallel proceeding (U.S.I.T.C. 337-TA-1325) ("the ITC Case") before the International Trade Commission ("ITC"). The modifications to the default Protective Order are proposed to ensure that the "Confidential Business Information" ("CBI") filed in the ITC Case, including third-party confidential information as laid out below, receives comparable and compatible protection in this IPR.

II. THERE IS GOOD CAUSE TO SEAL PETITIONERS' REPLY AND A DEPOSITION TRANSCRIPT THAT DISCUSS CBI

There is good cause to seal Petitioners' Reply and the deposition transcript of Patent Owner's expert, Dr. Barry M. Kudrowitz, taken in this IPR since portions

of those documents discuss CBI subject to the ITC protective order. Specifically:

- **Paper 24** is Petitioners' Reply that discusses some of the confidential exhibits and confidential information discussed in Sections II.1 and II.2 of Patent Owner's Motion to Seal, Paper 21. They are EX2032 ("CONFIDENTIAL_CX-1634C 2022-12-13 Deposition Transcript of Oden Ben-Ezer") and EX2070 ("CONFIDENTIAL_RX-0132C 12/14/2022 Deposition Transcript of John Tomulonis"). Petitioners have submitted a public redacted version of Petitioners' Reply (Paper 24) that redacts the confidential materials as Paper 25.
- **EX1036** is the deposition transcript of Patent Owner's expert Dr. Barry Kudrowitz taken in this IPR. Dr. Kudrowitz discusses some of the confidential exhibits and confidential information discussed in Sections II.2 and II.3 of Patent Owner's Motion to Seal, Paper 21. They are: ¶¶ 155, 173, and 175 of EX2015 ("CONFIDENTIAL_Declaration of Dr. Barry Matthew Kudrowitz"); and EX2070 ("CONFIDENTIAL_RX-0132C 12/14/2022 Deposition Transcript of John Tomulonis"). Petitioners have submitted a public redacted version of EX1036 that redacts the confidential materials.

III. CERTIFICATION OF NON-PUBLICATION

The undersigned counsel certifies that the information sought to be sealed by

this Motion has not, to their knowledge, been published or otherwise made public.

IV. CONCLUSION

For these reasons, Petitioners respectfully request entry of the agreed and jointly proposed protective order and the sealing of EX1036 and Paper 24.

Respectfully submitted,

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Dated: February 28, 2025
New York, New York

By: /Kenneth P. George/
Kenneth P. George
Registration No.: 30,259

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on February 28, 2025, a complete and entire copy of this Motion to Seal was provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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