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.
Petitioner,

v.

SPIN MASTER, INC.,
Patent Owner.

Case IPR2023-01339
Patent 8,640,683

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner submits the following objections to evidence filed with Petitioners' Reply Brief of February 28, 2025.

Evidence	Objections
EX1032: "Real Crimes, Unreal Weapons", *The New York Times*, April 8, 2007	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1033: "Ball bearing (BB) gun injuries", *Hong Kong Journal of Emergency Medicine*, Vol. 17(5), November 2010	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.

EX1034: "Ball bearing (BB) guns, ease of purchase and potential for significant injury", *The Annals of The Royal College of Surgeons of England,* 88:402-404 (2006)	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1035: Excerpts from Transcript of the Deposition of Dr. Gerald Fuller	**FRE 106/403:** This exhibit is incomplete and is does not provide sufficient context of the recorded testimony. As a result, the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.
EX1037: Rebuttal Declaration of Amy Courtney, Ph.D., CAISS	**FRE 701/702/703:** Patent Owner objects to EX1037 as being improper at least because paragraphs 28–73 comprise testimony that is not based on sufficient facts or data, that is irrelevant, that is not based on a reliable foundation, and that constitutes conclusory opinions lacking sufficient support from a witness not qualified to proffer expert testimony in this proceeding. Accordingly, EX1037 includes opinions that are not admissible under FRE 701, 702, or 703 or *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and its progeny.

EX1041: Stefan M. Duma et al., "Determination of Significant Parameters for Eye Injury Risk from Projectiles," *The Journal of TRAUMA® Injury, Infection, and Critical Care*, Vol. 59, No. 4 (October 2005), pages 960-964.	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1042: Jill Aliza Bisplinghoff, "BIOMECHANICAL RESPONSE OF THE HUMAN EYE TO DYNAMIC IMPACT," Master's Thesis submitted to Virginia Polytechnic Institute and State University (April 10, 2009).	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1043: William J. Fienup and Barry M. Kudrowitz, "The Exploration of Concepts for Projectile Toys," Master's Thesis submitted to Massachusetts Institute of Technology (June 2006).	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources.

	FRE 801, 802: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1044: Robert E. Berger, "System for Assessing Eye Injury Potential of Propelled Objects," *Journal of Research of the National Bureau of Standards*, Vol. 84, No. 1 (January-February 1979) pages 9-19.	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1045: Eric Samuel Oglesby, "HARD TARGET PERFORMANCE TESTING OF NON-LEAD, FRANGIBLE AMMUNITION," Master's Thesis submitted to University of Tennessee, Knoxville (May 2003).	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.

	FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1046: Yoshimi Tanaka, Yoshihiro Yamazaki, and Ko Okumura, "Bouncing gel balls: impact of soft gels onto rigid surface," *Europhysics Letters*, arXiv:cond-mat/0302167v2 (May 15, 2003), pages 1-7.	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1047: Eric A. Kennedy et al., "Risk Functions for Human and Porcine Eye Rupture Based on Projectile Characteristics of Blunt Objects," *Stapp Car Crash Journal*, Vol. 50 (November 2006), pages 651-671.	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.
EX1048: Johannes C. Fleischhauer et al. "Ocular Injuries Caused by Airsoft Guns," *ARCH OPHTHALMOL*, Vol.	**FRE 403:** The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by

117 (October 1999), pages 1437-1439.	the danger of unfair prejudice, confusing the issues and wasting resources. **FRE 801, 802**: This exhibit is (or includes) an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay. **FRE 901:** This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.

For all the foregoing reasons, Patent Owner objects to Exhibits 1032–1035, 1037, and 1041–1048 and reserves the right to move to exclude these exhibits.

Respectfully submitted,

Date: March 7, 2025

/Kenneth Wayne Darby Jr./

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on March 7, 2025, a complete and entire copy of this Patent Owner's Objections to Evidence were provided via email, to the Petitioner by serving the email correspondence addresses of record as follows:

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