

IN THE 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.

IPR2023-01348
Patent 8,371,282 B2

PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby file objections to the evidence listed below, which was filed with Patent Owner's Response (Paper 19 (confidential) and Paper 20 (public)) on December 6, 2024, in this IPR. These objections are being filed within five business days of service of the evidence to which the objections are directed. As required by 37 C.F.R. § 42.62, Petitioners' objections below apply the Federal Rules of Evidence.

Objection 1

Evidence objected to: Exhibits 2049, 2050, 2051, 2052, 2054, 2055, 2057, 2058, 2059, 2060, 2063, 2064, 2066, and 2079.

Grounds for objections: Petitioners object to these Exhibits as lacking relevance under Fed. R. Evid. 401 and 402. Neither Patent Owner's Response (Papers 19 and 20) nor Exhibit 2015 (Declaration of Dr. Barry Matthew Kudrowitz) cites any one of these Exhibits.

Objection 2

Evidence objected to: (a) Exhibits 2017, 2018, and 2019; (b) the descriptions of these Exhibits as set forth in ¶¶ 27 and 28 of Exhibit 2015 (Declaration of Dr. Barry Matthew Kudrowitz); and (c) the video posted at the following hyperlink and cited and discussed in ¶¶ 27 and 28 of Dr. Kudrowitz's Declaration: <https://www.youtube.com/watch?v=EFajtlwUvys>.

Grounds for objections: Petitioners object to these Exhibits and evidence as lacking relevance under Fed. R. Evid. 401 and 402, as prejudicial under Fed. R. Evid. 403, as hearsay under Fed. R. Evid. 801 and 802, and as lacking foundation under Fed. R. Evid. 602. This evidence lacks relevance and is prejudicial because, *inter alia*, it postdates the priority date of the patent challenged in this IPR (US 8,371,282 B2). Further, the evidence is out of court statements being offered to prove the truth of the matter asserted, and no evidence is provided to establish that Dr. Kudrowitz has laid the requisite foundation.

Objection 3

Evidence objected to: ¶¶ 35 (including footnote 2), 47, 49, 58, 62-68, and 77 of Exhibit 2015 (Declaration of Dr. Barry Matthew Kudrowitz).

Grounds for objections: Petitioners object to these paragraphs of Exhibit 2015 under Fed. R. Evid. 702. Dr. Kudrowitz is not qualified as an expert to testify to the subject matter discussed in these paragraphs. In addition, his testimony in ¶ 66 is not based on sufficient facts or data.

Objection 4

Evidence objected to: Exhibits 2026, 2027, 2028, 2029, 2117, and 2119.

Grounds for objections: Petitioners object to these Exhibits as lacking relevance under Fed. R. Evid. 401 and 402 and as lacking foundation under Fed. R.

Evid. 602. This evidence lacks relevance to any issue to be decided in this IPR. Further, no evidence is provided to establish that Dr. Kudrowitz has laid the requisite foundation.

Objection 5

Evidence objected to: ¶¶ 147, 148 (including footnote 6), and 154-185 of Exhibit 2015 (Declaration of Dr. Barry Matthew Kudrowitz).

Grounds for objections: Petitioners object to these paragraphs of Exhibit 2015 under Fed. R. Evid. 702. Dr. Kudrowitz is not qualified as an expert to testify to the subject matter discussed in these paragraphs.

Objection 6

Evidence objected to: Exhibit 2046 (Expert Report of Lynn Rosenblum).

Grounds for objections: Petitioners object to this Exhibit as lacking relevance under Fed. R. Evid. 401 and 402 since Patent Owner's Response does not cite Exhibit 2046 and Dr. Kudrowitz is not a qualified expert to offer opinions on Exhibit 2046.

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Dated: December 13, 2024

Respectfully submitted,

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LTD.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), I hereby certify that on December 13, 2024, a true copy of this document titled “**PETITIONERS’ OBJECTIONS TO PATENT OWNER’S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**” was served via email on the Patent Owner at the following correspondence address of record.

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