

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.

IPR2023-01348
Patent 8,371,282 B2

Before HYUN J. JUNG, NEIL T. POWELL, and BRENT M. DOUGAL,
Administrative Patent Judges.

POWELL, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion to Seal and Entering Protective Order
37 C.F.R. §§ 42.14, 42.54

Patent Owner filed a Motion to Seal. Paper 21 (“Motion” or “Mot.”). Patent Owner moves to seal portions of its Response and portions of Exhibits 2015 and 2046. Mot. 10–11. Patent Owner also moves to seal in their entirety Exhibits 2032, 2043, 2068–70, 2072–75, 2077, 2079, 2081, 2082, 2084, and 2115. *Id.* at 4–11. Patent Owner also “moves for entry of the agreed and jointly proposed Protective Order, which is provided as [Exhibit 2200].” *Id.* at 1. Patent Owner’s Motion is unopposed.

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden to show entitlement to the requested relief and to establish that the information sought to be sealed is confidential information. *Id.* § 42.20(c). The “good cause” standard for granting a motion to seal reflects the strong public policy for making all information in an inter partes review open to the public. *Argentum Pharms. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative).

Patent Owner persuades us that good cause exists for sealing the identified documents. As Patent Owner argues, the documents identified in the Motion contain “confidential testimony, sensitive financial information, and private design and development details.” Mot. 4–5.

Additionally, Patent Owner persuades that entry of the parties’ proposed Protective Order is warranted. Patent Owner explains that, compared to the Board’s default protective order, the Proposed Protective order includes an “outside counsel’ confidentiality level” for materials that cannot be seen by the parties’ employees or in-house counsel. Mot. 2. Patent Owner also explains that the Proposed Protective Order provides “that third party confidential information used in [a related International

Trade Commission proceeding] may be relied upon in the IPR as well, so long as the proffering party first obtains permission from such third party ‘to introduce said [confidential business information material] into this IPR as confidential information subject to this protective order.’” *Id.* at 2–3 (citing Ex. 2201, 2). We find the Proposed Protective Order acceptable.

As a reminder, confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. Consolidated Trial Practice Guide¹ at 21–22. After final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

Accordingly, it is

ORDERED that Patent Owner’s Motion to Seal is *granted*; and

FURTHER ORDERED that the Proposed Protective Order is entered.

¹ USPTO, Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019, <https://www.uspto.gov/TrialPracticeGuideConsolidated> (“TPG”).

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