

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.

IPR2023-01461
Patent 8,596,255 B2

**DECLARATION OF KENNETH P. GEORGE IN SUPPORT OF
PETITIONERS' MOTION TO CORRECT EXHIBITS 1016 AND 1017
UNDER 37 C.F.R. § 42.104(c)**

1. I, Kenneth P. George, am a partner with the law firm Amster, Rothstein & Ebenstein LLP, and lead counsel of record for Petitioners Prime Time Toys LLC, Prime Time Toys Ltd., and Easebon Services Ltd. in IPR2023-01339, IPR2023-01348, and IPR2023-01461 (the present IPR).

2. I provide this declaration in support of Petitioners' Motion to Correct Exhibits 1016 and 1017 Under 37 C.F.R. § 42.104(c) in IPR2023-01461.

3. The petitions in the first two IPRs (IPR2023-01339 and IPR2023-01348) were filed on August 23, 2023, with Exhibits 1016 and 1017 among other Exhibits.

4. In those first two IPRs, Exhibit 1016 consisted of a Declaration by Joel Delman ("the Delman Declaration"), and referenced and attached Exhibits A through D. Mr. Delman is an expert witness.

5. In those first two IPRs, Exhibit 1017 consisted of a Declaration by Dr. Maureen T.F. Reitman ("the Reitman Declaration"), and referenced and attached various Appendices. Dr. Reitman is also an expert witness.

6. In those first two IPRs, Exhibits 1016 and 1017 were served on Patent Owner's counsel on August 23, 2023. The versions of Exhibits 1016 and 1017 that were filed and served on opposing counsel included as attachments the

various exhibits referenced by Mr. Delman and appendices referenced by Dr. Reitman.

7. In those first two IPRs, I assigned to Matthieu Hausig, Senior Counsel at my firm, the duty of electronically filing the petitions and the accompanying Exhibits (including Exhibits 1016 and 1017) with the Patent Trial and Appeal Case Tracking System (“the P-TACTS”).

8. In those electronic filings, it was my intention to have Exhibit 1016 contain the Delman Declaration together with Exhibits A through D as attachments, and it was so filed.

9. In those electronic filings, it was also my intention to have Exhibit 1017 contain the Reitman Declaration together with the Appendices as attachments, and it was so filed.

10. In those electronic filings, I did not permit Mr. Hausig to exercise discretion or judgment to alter or omit any substantive contents of Exhibit 1016 or 1017. Mr. Hausig faithfully followed my instructions in preparing and filing Exhibits 1016 and 1017.

11. The petition in the present IPR (IPR2023-01461) was filed on October 3, 2023, with Exhibits 1016 and 1017 among other Exhibits.

12. In the present IPR, I again assigned to Mr. Hausig the duty of electronically filing the petition and the accompanying Exhibits with the P-TACTS without permitting him to exercise discretion or judgment to alter or omit any substantive contents of Exhibit 1016 or 1017.

13. In the present IPR, it was my intention to have Exhibit 1016 contain the Delman Declaration together with Exhibits A through D as attachments, which are referenced in the Delman Declaration.

14. In the present IPR, it was also my intention to have Exhibit 1017 contain the Reitman Declaration together with the various Appendices as attachments, since they are referenced in the Reitman Declaration.

15. On August 15, 2024, the Board issued Decisions Granting Institution of *Inter Partes* Review in all three IPRs.

16. In preparation for the expected depositions of Mr. Delman and Dr. Reitman during the trial proceedings, I directed my team to review the Delman Declaration and the Reitman Declaration filed in all three IPRs.

17. During that process, it was brought to my attention that Exhibits 1016 and 1017 filed in the present IPR contained considerably less pages than did Exhibits 1016 and 1017 filed in the first two IPRs, so I asked Mr. Hausig to investigate this difference.

18. On or about August 27, 2024, Mr. Hausig reported to me that, due to a clerical error, Exhibit 1016 filed in the present IPR contained only the Delman Declaration, and that Exhibits A through D referenced in the Delman Declaration were unintentionally and inadvertently omitted from the submitted version of Exhibit 1016.

19. Also on or about August 27, 2024, Mr. Hausig reported to me that, due to a clerical error, Exhibit 1017 filed in the present IPR contained only the Reitman Declaration, and that the various Appendices referenced in the Reitman Declaration were unintentionally and inadvertently omitted from the submitted version of Exhibit 1017.

20. I promptly instructed Mr. Hausig to create corrected versions of Exhibits 1016 and 1017 so that they include as attachments the relevant Exhibits and Appendices.

21. I understand that Mr. Hausig has created corrected versions of Exhibits 1016 and 1017, and that he has included the corrected versions as Attachments A and B to his Declaration submitted in support of Petitioners' Motion to Correct Exhibits 1016 and 1017 Under 37 C.F.R. § 42.104(c) in IPR2023-01461.

22. The corrected versions of Exhibits 1016 and 1017 include the same Exhibits and Appendices that were included in the Delman and Reitman

Declarations that were filed and served on Patent Owner in the first two IPRs (IPR2023-01339 and IPR2023-01348), except that: Exhibit 1017 in IPR2023-01339 contains, at the end, a copy of US 8,640,683 challenged in that IPR; Exhibit 1017 in IPR2023-01348 contains, at the end, copies of US 8,371,282 challenged in that IPR and US 8,640,683; and the corrected Exhibit 1017 in the present IPR contains, at the end, a copy of US 8,596,255 challenged in this IPR.

23. The corrected versions of Exhibits 1016 and 1017 were served on Patent Owner on August 30, 2024, and in response to Petitioners' inquiry as to Patent Owner's consent to a motion to correct the Exhibits at issue, Patent Owner stated it did not oppose such a motion, subject to Petitioners' representations of the clerical errors involved.

All statements made herein are true to the best of my knowledge, and all statements made on information and belief are believed to be true. Further, I am aware that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of September 2024 in New York, New York

/Kenneth P. George/
Kenneth P. George