

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NJOY, LLC and NJOY HOLDINGS, INC.,
Petitioners,

v.

JUUL LABS, INC.,
Patent Owner

Case No. IPR2024-00231
U.S. Patent No. 10,130,123

PETITIONERS' MOTION TO SEAL

Under 37 CFR §§ 42.14 and 42.54, Petitioners NJOY, LLC and NJOY Holdings, Inc. (“Petitioners”) submit this Motion to Seal its Reply to Patent Owner’s Response (“Petitioners’ Reply”) and Exhibit 1043, which are being filed under seal concurrently with this Motion.

I. GOOD CAUSE EXISTS FOR SEALING

The Office Patent Trial Practice Guide provides that “the rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). Those rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. §42.54).

Petitioners’ Reply and Exhibit 1043 cite, describe, and/or quote Exhibit 2003, which Patent Owner previously moved to seal (Paper 9) and which the Board granted (Paper 14). Thus, because the Board has already ruled that Exhibit 2003 qualifies for PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY protection pursuant to the entered Protective Order (Exhibit 2101), the portions of Petitioners’ Reply and Exhibit 1043 that describe or quote these exhibits likewise qualify for the same protection.

Accordingly, Petitioners' Reply and Exhibit 1043 should be sealed under 37 C.F.R. § 42.54. Petitioners are filing a redacted version of its Petitioners' Reply to the public docket.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Petitioners' knowledge, the information sought to be sealed by this Motion has not been published or otherwise made publicly available.

III. CONCLUSION

For the foregoing reasons, Petitioners respectfully requests that the Board seal and protect the highly confidential information contained in Petitioners' Reply and Exhibits 1043.

Date: November 27, 2024

By: /Anish R. Desai/
Anish R. Desai
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2024, the foregoing
PETITIONERS' MOTION TO SEAL was served via electronic mail, upon the
following:

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