

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

JUUL LABS, INC.,
Patent Owner

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

PATENT OWNER'S MOTION TO SEAL

Under 37 CFR §§ 42.14 and 42.54, Patent Owner JUUL Labs, Inc. submits this Motion to Seal its Patent Owner Surreply, which is 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).

Patent Owner’s Surreply cites, describes, and quotes 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 Patent Owner’s Surreply that describe or quote Exhibit 2003 likewise qualify for the same protection. Accordingly, Patent Owner’s Surreply should be sealed under 37 C.F.R. § 42.54. Patent Owner is filing a redacted version of its Surreply to the public docket.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Patent Owner's 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, Patent Owner respectfully requests that the Board seal and protect the highly confidential information contained in Patent Owner's Surreply.

Date: January 15, 2025

By: /James M. Glass/
James M. Glass (Reg. No. 46,729)
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 15, 2025, a complete and entire copy of the above document was provided by email to Petitioners by serving correspondence addresses of record as follows:

adesai@paulweiss.com
eweiswasser@paulweiss.com
cpepe@paulweiss.com
sansley@paulweiss.com
msieger@paulweiss.com

Dated: January 15, 2025

/James M. Glass/
James M. Glass (Reg. No. 46,729)
Lead Counsel for Patent Owner