

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Casper Sleep Inc.,
Petitioner,

v.

Werner Media Partners, LLC,
Patent Owner.

U.S. Patent 10,842,301
IPR 2024-00474

**PETITIONER'S UNOPPOSED MOTION TO SEAL DOCUMENTS
PURSUANT TO 37 C.F.R. § 42.14**

On October 22, 2024, the Board granted Patent Owner’s unopposed motion to enter a proposed protective order in this IPR. The Board also granted Patent Owner’s request to seal Exhibits 2022–2026. (Paper 23). On October 23, 2024, as directed by the Board, Patent Owner filed a clean, final version of the proposed protective order as Exhibit 2027 (“Final Protective Order”).

Pursuant to 37 C.F.R. § 42.14, Petitioner Casper Sleep Inc. (“Petitioner”) respectfully moves to seal Paper 24 and Exhibits 1033, 1074, 1075, 1076, 1078, and 1082 (all filed herewith) under the Final Protective Order for the reasons set forth in the following table.

Exhibit/ Paper No.	Description	Reason
24	CONFIDENTIAL Petitioner Reply to Patent Owner Response	Includes confidential material related to at least one of sealed Exhibits 2022–2026, and Exhibit 1082
1033	CONFIDENTIAL Email Correspondence Regarding GhostPillow Production Steps (Exhibit 2022)	Includes confidential material related to sealed Exhibit 2022
1074	CONFIDENTIAL Signed Transcript of Deposition of Andrew Gross (October 29, 2024)	Includes confidential material related to at least one of sealed Exhibits 2022–2026

Exhibit/ Paper No.	Description	Reason
1075	CONFIDENTIAL Second Declaration of David M. Brienza, Ph.D.	Includes confidential material related to at least one of sealed Exhibits 2022–2026
1076	CONFIDENTIAL Declaration of David Shiroff	Includes confidential material related to at least one of sealed Exhibits 2022–2026, and Exhibit 1082
1078	CONFIDENTIAL Signed Transcript of Deposition of Jeff Quinn (November 4, 2024)	Includes confidential material related to at least one of sealed Exhibits 2022–2026
1082	CONFIDENTIAL Casper Pillow Sales January 2022-September 2024	Includes Petitioner’s confidential sales data

This Motion to Seal is being filed unopposed after conferral with counsel for Patent Owner.

For the reasons set forth above, Petitioner requests that the Board grant Petitioner’s request to seal Paper 24 and Exhibits 1033, 1074, 1075, 1076, 1078, and 1082 under the Final Protective Order.

Respectfully submitted,

Dated: November 15, 2024

/Mark I. Koffsky/

Mark I. Koffsky, Registration No. 41,906

mkoffsky@koffskyschwalb.com

Gary Serbin, Registration No. 43,912

gserbin@koffskyschwalb.com

KOFFSKY SCHWALB LLC

500 Seventh Avenue, 8th Floor

New York, New York 10018

Telephone: (646) 553-1590

Facsimile.: (646) 553-1591

Counsel for Petitioner Casper Sleep Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of Service November 15, 2024

Manner of Service Email to patent@assoulineberlowe.com,
contact@pearsonip.com, wais@cotmanlaw.com,
ed@cotmanlaw.com

Document Served This Petitioner's Unopposed Motion to Seal Documents Pursuant to 37 C.F.R. § 42.14

Persons Served Lead Counsel Greg M. Popowitz (Reg. No. 60,061)
Assouline & Berlowe, P.A.
Miami Tower
100 SE 2nd St., Suite 3105
Miami, FL 33131

Backup Counsel Loren D. Pearson (Reg. No. 42,987)
Loren Donald Pearson, P.A.
333 SE 2nd Avenue, Suite 2000
Miami, FL 33131

Backup Counsel Wais Ali (Patent Agent No. 80,945)
Backup Counsel Edward C. Schewe (Reg. No. 34,246)
Cotman IP Law Group, APLC
281 East Colorado Blvd. #2630
Pasadena, CA 91102

Dated: November 15, 2024 /Mark I. Koffsky/
Mark I. Koffsky