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**Subject:** IPR2024-00474 / No Need for a Joint Motion to Seal the Written Decision  
**Date:** Wednesday, April 23, 2025 3:02:57 PM

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Your Honors:

We represent Petitioner Casper Sleep Inc. in the above referenced proceeding and write on behalf of Petitioner and Patent Owner Werner Media Partners, LLC.

On April 11, 2025, the Board issued an Order (Paper 57) authorizing the parties to file a joint motion to seal the Final Decision (Paper 56). The parties respectfully inform the Board that such a motion to seal is not necessary, and the Board may release the complete Final Decision to the public at its convenience.

With that said, the parties request that Footnote 11 on page 49 of the Final Decision be deleted because it is factually incorrect. Footnote 11 states in full:

Exhibit 2022 was submitted by Patent Owner with its Sur-reply. The exhibit likely constitutes “new evidence other than deposition transcripts of the cross-examination of [a] reply witness” (see 37 C.F.R. § 42.23(b); CTPG at 73–74), however, Petitioner did not move the Board to strike this exhibit from the record. See Paper 48.

In fact, Exhibit 2022 was produced and filed by Patent Owner on October 22, 2024, which was before the filing of Petitioner’s Reply on November 15, 2024. Since Patent Owner timely filed Exhibit 2022, Petitioner did not move to strike this exhibit from the record.

The Order also authorized the parties to file a Joint Motion to Expunge concerning exhibits of record containing confidential information that are not relied upon in the Final Decision. The parties have filed a Joint Motion to Expunge with the Board today.

Should there be any questions or concerns, please contact Petitioner’s Lead Counsel Mark Koffsky at (516) 510-6163 and Patent Owner’s Lead Counsel Greg Popowitz at (954) 558-8598.

Respectfully submitted,

Mark I. Koffsky  
Gary Serbin

Counsel for Petitioner

cc: All counsel for Patent Owner

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