

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DRAFTKINGS INC., A DELAWARE CORPORATION,
Petitioner,

v.

DIOGENES LIMITED,
Patent Owner.

Case IPR2023-00262

Patent 9,117,341

PETITIONER'S REQUEST FOR ORAL HEARING
37 C.F.R. § 42.70

Pursuant to 37 C.F.R. § 42.70(a), Petitioner respectfully requests the opportunity to present oral argument. As specified in the Board’s June 21, 2023 Scheduling Order (Paper No. 11), oral argument for this IPR and IPR2023-00266, and IPR2023-00267 (collectively, the “Three IPR’s”) are scheduled for March 21, 2024.

Petitioner requests a single, consolidated hearing for all Three IPR’s, with **60 minutes** of total argument per side (**120 minutes total**), including any time reserved for rebuttal, with Petitioner arguing first as the party with the burden of showing unpatentability.

Petitioner requests that the oral argument be held **remotely by videoconference**,¹ rather than in person, consistent with the Board’s notice that “[t]he Parties may also request that oral argument instead be held . . . virtually by videoconference.” Paper 11 at 6. Petitioner requests the ability to present demonstratives and exhibits to the Board during the videoconference (e.g., using a “screen share” function), and the ability to have additional counsel attend the videoconference from separate locations (e.g., from Boston, MA where Petitioner’s

¹ Pursuant to the Scheduling Order (Paper 9 at 6), the parties met and conferred and Patent Owner stated that it does not oppose Petitioner’s request for oral argument and does not oppose the duration and location (remote) of oral argument set forth in Petitioner’s request.

in-house counsel is located).

Petitioner requests oral hearing on all instituted grounds of unpatentability, disputed claim constructions, any motions to exclude, any procedural or evidentiary issues raised by the parties, and any additional issues or questions raised by the Board or the parties before or during the oral argument. Petitioner also requests oral argument on any issues raised by Patent Owner in its Request for Oral Argument.

Respectfully submitted,

BAKER BOTTS L.L.P.

/Eliot D. Williams/

Eliot D. Williams (Reg. No. 50,822)
Lead Counsel for Petitioner

Date: February 8, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 8th day of February 2024, that true and correct copies of the foregoing **PETITIONER'S REQUEST FOR ORAL HEARING** were served in their entirety on the following parties via electronic mail:

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BAKER BOTTS L.L.P.

/Eliot D. Williams/
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Lead Counsel for Petitioner

Date: February 8, 2024