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January 13, 2023

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VIA E-MAIL

Brian A. Biggs, Esq.
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DLA Piper LLP
1201 North Market Street, Suite 2100
Wilmington, DE 19801

Re: *Diogenes Limited and Colossus (IOM) Limited v. DraftKings Inc*., No. 21-1695-MN-CJB (D. Del.)

Dear Counsel:

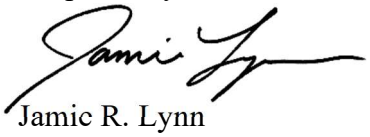
[PAGES TWO AND THREE REDACTED]

IV. COLOSSUS' DEMAND FOR DRAFTKINGS' COMPLIANCE WITH ITS *SOTERA*-STYLE STIPULATION IS PREMATURE

As your Letter acknowledges, DraftKings already has made a "*Sotera-**style*** stipulation" *See, e.g.*, IPR2023-00267, Petition at 61 (Dec. 2, 2022) (emphasis added). DraftKings will comply with that stipulation upon institution of the PTAB proceedings. Because those proceedings have not yet been instituted, however, further correspondence on this issue is premature. Regardless, we note that even if the PTAB proceeding is instituted, DraftKings may rely on the relevant references in combination with system art and for purposes other than invalidity. Finally, we note that we are aware of no authority requiring a separate stipulation be filed with the district court, and you have provided none.

[redacted]

Respectfully,



Jamic R. Lynn

JL