UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DK CROWN HOLDINGS INC. (FORMERLY DRAFTKINGS, INC.),
A DELAWARE CORPORATION,
Petitioner,

v.

DIOGENES LIMITED,
Patent Owner.

IPR2023-00266
U. S. Patent Number 10,970,969
Attorney Docket No.: 087764.0109

PETITIONER'S UPDATED MANDATORY NOTICES

Pursuant to 37 C.F.R. § 42.8(a)(3), Petitioner hereby provides the following updates to its mandatory notices in Paper No. 1:

Related Matters (37 C.F.R. § 42.8(b)(2))

Patent Owner has asserted the '969 Patent against Petitioner in a co-pending litigation, *Diogenes Limited et al. v. DraftKings Inc.*, Case No. 1-21-cv-01695, District of Delaware.

[New] Petitioner stipulated as follows:

> DraftKings makes the following stipulation. With respect to each of the following IPRs:
>
> | **AIA Review #** | **Challenging U.S. Patent No.** |
> |---|---|
> | IPR2023-00262 | 9,117,341 |
> | IPR2023-00263 | 9,275,516 |
> | IPR2023-00264 | 9,424,716 |
> | IPR2023-00265 | 9,704,338 |
> | IPR2023-00266 | 10,970,969 |
> | IPR2023-00267 | 10,997,822 |
> | IPR2023-00268 | 11,200,779 |
>
> If the Patent Trial and Appeal Board institutes a proceeding for a particular one of the above-listed IPRs for a respective challenged patent, DraftKings will not pursue in the District of Delaware litigation (Case No. 21-cv-01695-MN-CJB), any argument that the challenged claims of the patent in that particular instituted IPR are invalid on any ground that was raised or could have been reasonably raised in that particular instituted IPR proceeding. *See* Memorandum, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings With Parallel District Court Litigation at 3 (June 21, 2022).

See EX1056.

Lead and Back-Up Counsel under 37 C.F.R. 42.8(b)(3)

Petitioner designates the following: Lead Counsel is Eliot D. Williams (Reg. No. 50,822) of Baker Botts L.L.P.; Back-up Counsel are G. Hopkins Guy III (Reg. No. 35,886), Jamie R. Lynn (Reg. No. 63,666), Thomas C. Martin (Reg. No. 57,677), and Andrew D. Wilson (Reg. No. 74,093), also of Baker Botts L.L.P.

Service Information under 37 C.F.R. 42.8(b)(4)

Correspondence to lead and back-up counsel can be provided at the postal and electronic addresses above. Petitioner consents to service by electronic mail at: Eliot.Williams@BakerBotts.com; Hop.guy@BakerBotts.com; Jamie.Lynn@BakerBotts.com; Tommy.martin@bakerbotts.com; Andrew.Wilson@BakerBotts.com; and DLDraftKingsvDiogenes@BakerBotts.com.

Dated: June 10, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§42.6(e) and 42.105, the undersigned certifies that on June 10, 2023, a complete and entire copy of the foregoing was served on counsel for Patent Owner as follows:

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