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
Patent 10,970,969

JOINT MOTION TO KEEP CONFIDENTIAL AND SEPARATE UNDER 35 U.S.C. § 317(B) AND 37 C.F.R. § 42.74(C)

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner DK Crown Holdings Inc. (Formerly DraftKings Inc.), A Delaware Corporation ("DK") and Patent Owner Diogenes Limited ("Diogenes") (collectively, the "Parties") jointly move to file Exhibit 1070, the settlement agreement between the Parties, as referenced in the Joint Motion to Terminate filed concurrently herewith, as business confidential information and to have it be kept separate from the file of the challenged patent U.S. Patent No. 10,970,969 (the "'969 Patent"). This joint motion was authorized by the Board in its email dated March 18, 2024. Pursuant to 37 C.F.R. § 42.74(b), Exhibit 1070 is the entire agreement or understanding between the Parties made in connection with, or in contemplation of, the termination of this proceeding. Further, Exhibit 1070 is a true and accurate copy of the agreement between the parties that resolves the present proceeding and the agreement states that it shall be kept confidential.

Dated: March 18, 2024

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Counsel for Petitioner DK Crown Holdings Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 18th day of March, 2024, the **Joint Motion to Keep Confidential and Separate Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.72(c)** was served by email on the following counsel for Patent Owner:

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