

Exhibit 338.A - Infringement Chart for DraftKings Sportsbook

The following chart is being produced pursuant to the Scheduling Order (D.I. 25, ¶ 8(a)) regarding infringement of U.S. Patent No. 9,704,338 (the “’338 patent”). The ’338 Accused Products include, at least: 1) the DraftKings Sportsbook kiosks and/or over the counter betting at partnered casinos, 2) the DraftKings Sportsbook mobile applications accessible via mobile devices, and 3) the DraftKings Sportsbook web applications accessible via computing devices (i.e., wagering input devices).

The ’338 Accused Products have the same functionality in the way they satisfy each and every element of the following claims and there is no functional difference regarding their operation unless specifically noted. In addition, to the extent that users are required to meet the claim elements, DraftKings induces its users to meet the claim limitation because DraftKings provides users with instructions and guidance on how to use the ’338 Accused Products to perform each and every element of the claim. To the extent that any element is met by users, the users operate in a joint enterprise with DraftKings when they use the ’338 Accused Products as directed and required by DraftKings.

Claim Element	Infringement
	U.S. Patent No. US 9,704,338
1[a]. A method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs, the method comprising the steps of:	To the extent the preamble is limiting, the ’338 Accused Products meet the claim language because they provide a method of conducting a multi-outcome wagering event for one or more players, wherein the wagering event comprises a defined number of legs, and wherein a player is presented with at least one of a buy-out offer and a partial buy-out offer prior to completion of all of the defined number of legs. OVERVIEW DraftKings Sportsbook is one-stop, high-octane jet fuel for all your betting needs. The top-rated app in the country. American made, world-class, 21st century-and-beyond technology. A safe, secure online sports betting platform. Peace of mind reigns supreme while you Make It Reign. Ready to place a bet? Check out our map of where online sports betting is legal to see if DraftKings Sportsbook is offered in your state. https://www.draftkings.com/about/sportsbook/ [Accessed 18 November 2021, 22:45 EST]

Claim Element	Infringement
	U.S. Patent No. US 9,704,338 What types of wagers are available with DraftKings Sportsbook? August 13, 2021 10:01 We have a variety of bet options for you to choose from on Sportsbook: • Futures: Bet on season-long results such as which team is going to be the championship winner, total wins for a team, and more. • Game lines: Bet on the outcome of the game. • Live betting: React to the game in real time using dynamic odds, scores and visuals. • Over/under: A wager on the total or the over/under of a game is a wager on the total number of points, runs or goals in a game/match. Totals are available on a wide range of team or player statistics. • Moneyline: A wager on which team/player will win the match/game by picking the outright winner. • Parlays, player prop/game parlays, and same game parlays (SGP): A parlay is a wager that combines two or more single wagers into one bet that requires all selections to win in order to win the bet. The more bets added to the parlay, the higher the payout. If one selection in the parlay loses, the entire parlay is declared a loss. If a selection happens to push, that leg is removed from the parlay and the odds are recalculated accordingly. • Point spread: A point spread is a number created by oddsmakers at sportsbooks to even out the gap between the favorite and the underdog of a game/match as teams/players are not all equal in skill. • Pools: Pick multiple outcomes and go against other bettors. • Props: A prop bet or proposition bet is a wager on an individual player or specific event in a game/match. This type of wagering allows you to place wagers on outcomes within the game rather than on the game as a whole e.g., points spread, moneyline, and/or totals. • Round robin (RR): A round robin (RR) bet is a way to put multiple parlays together in one bet. The more selections you make the more parlay combinations your round robin will have. RRs will create parlays of all possible combinations based on the selected outcomes, and will allow you to place all combinations of the outcomes in your bet slip quickly and efficiently. Depending on the number of outcomes in your bet slip, you can select from a number of RR options, which will place multiple parlay bets on the various combinations available. • Teaser: A teaser allows for the adjustment of point spreads and game totals on two or more picks. A fixed number of points are bought on all picks in the teaser. The number of picks selected and the number of points selected determine the payout odds. All picks must be successful in order for the bet to win. If a pick in the teaser is a push, that pick will be removed from the teaser and the odds will be adjusted accordingly. A push in a two pick teaser, without a loss, will be considered "no action" and the wager will be refunded. When placing a bet on a super/monster teaser, a push will result in a lost bet. https://help.draftkings.com/hc/en-us/articles/4405229776531-What-types-of-wagers-are-available-with-DraftKings-Sportsbook- [Accessed 19, November 2021 11:10 EST] Cash Out Cash Out Cash Out is a new feature that gives you the opportunity to close out your active bet before the outcome is decided. This allows you to secure part of your winnings or cut your losses as the odds change in or against your favor. On selected sports, Cash Out is available for pre-game, live, future and parlay bets and can be for more or less than your original wagered amount, depending on how events unfold following your bet placement. You can see if your bet is eligible for cash out when you add it to the bet slip. After placing a bet, you can Cash Out early by visiting 'My Bets' and selecting the yellow Cash Out button. Payouts will be made upon confirming Cash Out and the money will be deposited in your account immediately. https://sportsbook.draftkings.com/help/quick-start-guide/5 [Accessed 15 November 2021, 15:00 EST]

Claim Element	Infringement
	U.S. Patent No. US 9,704,338
	Cash Out The Cash Out feature gives you the opportunity to cash out a bet before the outcome is decided, allowing you to secure part of your winnings or to cut your losses. https://sportsbook.draftkings.com/help/glossary/betting-terminology [Accessed 15 November 2021, 15:00 EST] <i>See also limitations 1[b]-1[p].</i>
1[b]. providing one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, the system controller comprising a trading exchange module, the one or more wagering input devices comprising one or more of a user input, a payment acceptor, or a link to a customer account for receiving a wager from a player, the one or more wagering input devices further comprising one or more displays for displaying the at least one of the buy-out offer and the partial buy-out offer after the multi-outcome wagering event begins, the one or more wagering input devices further comprising an input for receiving an acceptance of at least one of the buy-out offer and the partial buy-out offer, and the one or more wagering input devices further comprising a user output for issuing a credit, tokens, currency or an award	The '338 Accused Products meet the claim language because they provide one or more wagering input devices in communication with a system controller through which one or more players may participate in a multi-outcome wagering event, the system controller comprising a trading exchange module, the one or more wagering input devices comprising one or more of a user input, a payment acceptor, or a link to a customer account for receiving a wager from a player, the one or more wagering input devices further comprising one or more displays for displaying the at least one of the buy-out offer and the partial buy-out offer after the multi-outcome wagering event begins, the one or more wagering input devices further comprising an input for receiving an acceptance of at least one of the buy-out offer and the partial buy-out offer, and the one or more wagering input devices further comprising a user output for issuing a credit, tokens, currency or an award to a player. Cash Out Cash Out Cash Out is a new feature that gives you the opportunity to close out your active bet before the outcome is decided. This allows you to secure part of your winnings or cut your losses as the odds change in or against your favor. On selected sports, Cash Out is available for pre-game, live, future and parlay bets and can be for more or less than your original wagered amount, depending on how events unfold following your bet placement. You can see if your bet is eligible for cash out when you add it to the bet slip. After placing a bet, you can Cash Out early by visiting 'My Bets' and selecting the yellow Cash Out button. Payouts will be made upon confirming Cash Out and the money will be deposited in your account immediately. https://sportsbook.draftkings.com/help/quick-start-guide/5 [Accessed 15 November 2021, 15:00 EST] Cash Out The Cash Out feature gives you the opportunity to cash out a bet before the outcome is decided, allowing you to secure part of your winnings or to cut your losses.

Claim Element	Infringement
U.S. Patent No. US 9,704,338	
	The '338 Accused Products perform substantially the same function because they allow users to place a variety of types of wagers, including parlay bets. The '338 Accused Products function in substantially the same way by using software and hardware to allow users to place a variety of types of wagers, including parlay bets. The '338 Accused Products achieve substantially the same result because users are able to play parlay bets
10[a]. The method of claim 1, further comprising a cash out option, the system controller further configured to:	See limitations 1[a], 1[b], and 1[j]-1[l].
10[b]. receive a selection of the cash out option from any of the one or more players that desire to fully or partially end the wager;	See limitations 1[j]-1[k].
10[c]. wherein any of the one or more players selecting the cash out option to fully end the wager no longer participates in the multi-outcome wagering event, and any of the one or more players selecting the cash out option to partially end the wager continues to participate in the multi-outcome wagering event; and	See limitations 1[k]-1[p].
10[d]. issue to the one or more players that selected the cash out option one or more of cash, tickets or credit slips redeemable by the player, funding of a player's electronically recordable identification card or online account, or an award.	See limitations 1[k]-1[p].
11. The wagering apparatus of claim 10, wherein the system	See limitations 1[b] and 1[j]-1[k].

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