

Lineberry, Alice

From: Minutoli, Gianni
Sent: Wednesday, August 30, 2023 3:02 PM
To: trials@uspto.gov
Cc: Wilson, Andrew; eliot.williams@bakerbotts.com; Guy, Hop; Lynn, Jamie; Martin, Tommy; DL Draft Kings v Diogenes; Middleton, Matthew; Kellner, Steven
Subject: IPR2023-00267 - Requests for a Motion to Withdraw and Update Backup Counsel, Motion to Amend, and authorization to extend DUE DATES 1-3

Dear Board:

Patent Owner seeks authorization to file a Motion to withdraw its current backup counsel and substitute new backup counsel in IPR2023-00267 (a similar request for IPR2023-00262 was previously sent in another email). The Petitioner has indicated that it will not oppose such a Motion.

In addition, pursuant to the scheduling order, Patent Owner is informing the Board that it will file a Motion to Amend in IPR2023-00267 (a similar email was sent for IPR2023-00262). Moreover, Patent Owner will not be filing a Patent Owner Response in IPR2023-00267 (or IPR2023-00262).

The parties are also seeking authorization to extend DUE DATES 1-3 in IPR2023-00262, IPR2023-00266 and IPR2023-00267, including the MTA-related aspects of DUE DATES 1-3, to accommodate the schedule of Petitioner's expert who is not available for a deposition until after the current DUE DATE 1 (requests for IPR2023-00262 and IPR2023-00266 will be sent in other emails). It is believed that no other dates will need to be extended. The DUE DATES would be as follows:

Due Date	Current Due Date	Proposed Due Date
Patent Owner's Response	September 14, 2023	September 29, 2023
Motion to Amend (Due Date 1)		
Petitioner Reply to Patent Owner's Response	December 7, 2023	December 20, 2023
Petitioner Opposition to Motion to Amend (Due Date 2)		
Patent Owner's Sur-Reply	January 18, 2024	January 31, 2024
Patent Owner's Reply to Opposition to Motion to Amend -or- Patent Owner revised Motion to Amend (Due Date 3)		

Should a call be required to discuss any of the above, Patent Owner's counsel is available any time the Board requests, and Petitioner's counsel is available the remainder of this week, on Tuesday of next week outside of 3-5pm, and on Thursday of next week.

Sincerely,
Gianni

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Partner

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