

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.

IPR2023-00267
Patent 10,997,822

**JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW OF U.S.
PATENT NO. 10,997,822 UNDER 35 U.S.C. § 317 AND 37 C.F.R. § 42.72**

EXHIBIT LIST

EX[No.]	Description of Documents
1001	U.S. Patent No. 10,997,822 (“the ’822 Patent”)
1002	Prosecution File History for the ’822 Patent
1003	File History for U.S. Patent No. 9,117,341
1004	U.S. Patent Application Publication No. 2008/0113765 A1 (“DeWaal”)
1005	U.S. Patent Application Publication No. 2008/0311981 A1 (“Schugar”)
1006	U.S. Patent Application Publication No. 2012/0309503 A1 (“Scott”)
1007	Declaration of Dwight Crevelt
1008	<i>Curriculum Vitae</i> of Dwight Crevelt
1009	Vishal Jain & Jyoti Moy Chatterjee, <i>Machine Learning with Health Care Perspective</i> (Springer 2020)
1010	Christiani Hugonii, <i>The Value of all Chances in Games of Fortune; Cards, Dice, Wagers, Lotteries, &C. Mathematically Demonstrated</i> (printed 1741)
1011	C.C. Heyde & E. Seneta, <i>Statisticians of the Centuries</i> (Springer 2001)
1012	Jui-Pin Cheng, <i>The Origin of Probability and The Problem of Points</i> (2000), https://sites.math.rutgers.edu/~cherlin/History/Papers2000/cheng.html
1013	Nicholas Hammond, <i>The Cambridge Companion to Pascal</i> (Cambridge University Press 2003)
1014	Prakash Gorroochurn, <i>Thirteen Correct Solutions to the ‘Problem of Points’ and Their Histories</i> , THE MATHEMATICAL INTELLIGENCER (Springer 2014)
1015	Keith Devlin, <i>The Unfinished Game: Pascal, Fermat, and the Seventeenth-Century Letter that Made the World Modern</i> (Basic Books 2008)

EX[No.]	Description of Documents
1016	Anders Hald, <i>A History of Probability and Statistics and Their Applications before 1750</i> (John Wiley & Sons 2003)
1017	Adam Prügel-Bennett, <i>The Probability Companion for Engineering and Computer Science</i> (Cambridge University Press 2019)
1018	Elizabeth A. Killick & Mark D. Griffiths, <i>In-Play Sports Betting: a Scoping Study</i> , 17 INT J MENT HEALTH ADDICTION 1456 (Apr. 16, 2018)
1019	<i>What is In-Play Betting: Live Betting Explained by William Hill</i> , WILLIAMHILL.COM (Apr. 20, 2021), https://news.williamhill.com/betting-guides/in-play-betting/
1020	Mark O’Haire, <i>The History of Betting</i> , TheSetPieces (2021), https://thesetpieces.com/latest-posts/the-history-of-betting/
1021	U.S. Patent No. 9,117,341 (“the ’341 Patent”)
1022	Chris Summers, <i>How Does a Betting Exchange Work?</i> , BBC News (Dec. 7, 2007)
1023	Landi, Gianluca, <i>Betting Exchange: The Sports Trading Revolution</i> (StreetLib 2017)
1024	Declaration of Bernard J. Marantelli, Australian Patent Application No. 2013333573 (Jun. 18, 2016)
1025	Vaughan Williams & Donald S. Siegal, <i>The Oxford Handbook of the Economics of Gambling</i> (Oxford University Press 2013)
1026	Mark Davies <i>et al.</i> , <i>Betfair.com: Five Technology Forces Revolutionize Worldwide Wagering</i> , 23 EUROPEAN MANAGEMENT JOURNAL 533 (Oct. 2005)
1027	U.S. Patent No. 7,909,694 (“Schugar ’694”)
1028	Betfair Trading Software, <i>About Bet Angel Software</i> (via The Wayback Machine dated Dec. 26, 2007)
1029	Green All Over Blog (Dec. 7, 2008)

EX[No.]	Description of Documents
1030	Dan Thomas, <i>Betfair's 'Cash Out' Trading Tool Used for the Millionth Time</i> , BETTFAIR (Sept. 13, 2011)
1031	Betfair Financial Statement (Jun. 29, 2011)
1032	Dan Thomas, <i>Cash Out Comes to Betfair Mobile</i> , Betfair (Dec. 19, 2011)
1033	Michael Taylor, <i>Cash In My Bet with William Hill</i> , WILLIAMHILL.COM (Dec. 18, 2012)
1034	Tal Grant <i>et al.</i> , <i>UK Gaming</i> , Credit Suisse (Aug. 14, 2017)
1035	James Conrey McMath, <i>Speculation and Gambling in Options, Futures and Stocks in Illinois</i> (Hawkins & Loomis 1921)
1036	LeRoy Gross, <i>The Conservative Investor's Guide to Trading Options</i> (Wiley 1999)
1037	Stuart Banner, <i>Speculation: A History of the Fine Line Between Gambling and Investing</i> (Oxford University Press 2017)
1038	E.V. Smalley, <i>Northern Pacific Railroad Book of Reference</i> (E. Wells Sackett & Rankin 1883)
1039	Wesley A. Sturges <i>et al.</i> , <i>Stock Option and Stock Purchase Plans</i> (U.S. Gov't Printing Office 1952)
1040	Michael C. Thomsett, <i>Getting Started in Options</i> (Wiley 2007)
1041	Lawrence G. McMillan, <i>McMillan on Options</i> (Wiley 2011)
1042	The Sports Trader, <i>The Diary of a Betdaq Trader</i> (Dec. 5, 2007)
1043	Betfair Community, <i>Football Forum</i> (Dec. 11, 2009), https://community.betfair.com/football/go/thread/view/94070/23545078/i-didnt-think-you-got-your-green-until-after-events-were-finished?post_id=421340998#421340998#flvWelcomeHeader

EX[No.]	Description of Documents
1044	Betfair Community, <i>Golf Forum</i> at 1 (Apr. 9, 2010), https://community.betfair.com/golf/go/thread/view/94086/23563950/masters-day-2---in-running?liveView=0&pg=53
1045	Betfair Community, <i>General Betting Forum</i> (Dec. 10, 2010)
1046	Betfair Community, <i>General Betting Forum</i> at 3 (Jun. 8, 2011)
1047	U.S. Patent Application Publication No. 2001/0136566 A1 (“Acres”)
1048	Exhibit 338.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1049	Exhibit 341.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1050	Exhibit 439.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1051	Exhibit 516.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1052	Exhibit 716.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1053	Exhibit 779.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1054	Exhibit 822.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1055	Exhibit 969.A to Plaintiffs’ Initial Infringement Contentions, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1057	Deposition Transcript of Dr. Olaf Vancura, Vol. I (Nov. 13, 2023)
1058	Deposition Transcript of Dr. Olaf Vancura, Vol. II (Nov. 17, 2023)
1059	U.S. Patent No. 8,721,439 (“’439 Patent”)

1060	Report and Recommendation, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1061	Order, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1062	Reserved
1063	First Amended Complaint, <i>Diogenes Limited v. DraftKings, Inc.</i> , C.A. No. 21-1695-MN-CJB
1064	U.S. Patent No. 11,200,779 (“’779 Patent”)
1065	Decision Denying Institution of IPR2023-00268, paper 9 (Aug. 11, 2023)
1066	Reserved
1067	U.S. Patent No. 7,233,922 (“Asher”)
1068	Second Declaration of Dwight Crevelt
1069	Reserved
1070	Settlement Agreement

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72, Petitioner DK Crown Holdings Inc. (Formerly DraftKings Inc.), A Delaware Corporation (“DK”) and Patent Owner Diogenes Limited (“Diogenes”) (collectively, the “Parties”) jointly move to terminate the above-captioned *inter partes* review proceeding pursuant to the parties’ settlement of their dispute related to the challenged patent, U.S. Patent No. 10,997,822 (the “’822 Patent”). This joint motion was authorized by the Board in its email dated March 18, 2024. Along with this joint motion to terminate this proceeding, the Parties concurrently submit a true copy of the Parties’ agreement as Exhibit 1070 along with a motion to keep the agreement confidential and separate from the file of the ’822 Patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. There are no other agreements, written or oral, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

Termination is appropriate because the Parties’ agreement resolves all disputes related to the ’822 Patent between the Parties. In addition, DK is the only Petitioner in this proceeding, meaning that this proceeding can be terminated in its entirety pursuant to this motion. And, finally, this proceeding has not yet been argued (currently scheduled for March 21, 2024. *See* Paper 25 (Order Setting Oral Argument)). Accordingly, the Board has not rendered any decision on the merits or entered a final written decision in this proceeding. Neither party will be prejudiced by terminating this proceeding.

Dated: March 18, 2024

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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 Terminate Under 35 U.S.C. § 317 and 37 C.F.R. § 42.72** was served by email on the following counsel for Patent Owner:

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