Wilson, Andrew

From: Lynn, Jamie
Sent: Friday, June 9, 2023 11:22 AM
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Subject: Diogenes Limited et al. v. DraftKings Inc. - D. Del. - 1:21-cv-01695-MN-CJB

Counsel,

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).

Best regards,
Jamie

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