UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPORTRADAR AG,
Petitioner

v.

SPORTSCASTR INC.,
(D/B/A PANDA INTERACTIVE),
Patent Owner.

IPR2025-00266
U.S. Patent No. 10,425,697

PETITIONER'S SHOWING OF GOOD CAUSE FOR PARALLEL PETITIONS

Sportradar AG ("Petitioner") requests IPR of claims 1-9, 19-25, and 27-30 of U.S. Patent No. 10,425,697 ("the '697"). Ex.1006. A explained in the Petition, the instant IPR petitions are "copycat" petitions raising the same grounds and relying on substantively the same evidence as the petitions in IPR2024-01308 & IPR2024-01309 filed on August 22, 2024 by Genius Sports LTD ("Genius"), and Petitioner intends to seek joinder with the -01308 and -01309 IPRs in the event they are instituted by the Board. *See* Petition at 1. Petitioner is also contemporaneously filing "copycat" parallel petitions separately challenging claims 1-9, 19-25, and 27-30 of U.S. Patent No. 10,805,687 ("the '687") and claims 1-30 of U.S. Patent No. 11,039,218 ("the '218").

1. REASONS WARRANTING TWO PETITIONS

PO is asserting 20 claims from '697 in the Texas Litigation.[1] *See* Ex.1019 at 3; Ex.1048. The Board has recognized that in certain circumstances more than one petition may be necessary. *See* Trial Practice Guide Update (July 2019), p.26. Petitioner has filed two petitions related to '697's claims and respectfully requests

[1] Petitioner also intends to file IPR petitions separately challenging additional claims in the '687 and '697 (namely, dependent claims 10-18 and 26 in both patents) that were only recently asserted by Patent Owner against Petitioner in the Texas Litigation, and, therefore, were not addressed in the IPR petitions filed by Genius.

that the Board institute both petitions. The Board should institute both petitions for three basic reasons. First, the claims cannot be addressed in one petition because of the number and length of the claims (which alone includes roughly 3,734 words) and because of the nature of the claims themselves. Second, each petition challenges different claims. Thus, the petitions are not duplicative and efficiently address the patentability of the '697 claims. Third, the petitions cite essentially the same art against all claims, thus minimizing the burden on the Board from instituting both petitions.

The first petition challenges 9 claims including one independent claim. The second petition challenges 11 claims including three independent claims. The Challenged Claims are directed to substantially overlapping subject matter and the multiple petitions are only needed due to the large number and length of the Challenged Claims. *See e.g., AliveCor, Inc. v. Apple Inc.*, IPR2023-00949, paper 8 (P.T.A.B., January 9, 2024) (acknowledging that "[j]ust reproducing the [almost 1000 word] claims and claim limitations alone, as a Petitioner generally must do for purposes of appropriate analysis, accounts for a significant portion of the required 14,000 word count").

2. RANKING OF THE PETITIONS

Petitioner requests that the Board consider the petitions in the following order, however, for the reasons explained above, the Board's analysis of the claims asserted in the Texas Litigation would not be complete without considering both petitions:

Rank	Petition	Challenged Claims	Prior Art Applied in Grounds
A	IPR2025-00266	19-25 and 27-30	1. U.S. Patent Publication No. 2014/0229992 to Ellis et al. ("Ellis"). 2. U.S. Patent Publication No. 2016/0036910 to Spivey ("Spivey"). 3. U.S. Patent Publication No. 2015/0163379 to Herzog ("Herzog").
B	IPR2025-00265	1-9	1. U.S. Patent Publication No. 2014/0229992 to Ellis et al. ("Ellis"). 2. U.S. Patent Publication No. 2016/0036910 to Spivey ("Spivey"). 3. U.S. Patent Publication No. 2015/0163379 to Herzog ("Herzog").

3. CONCLUSION

Petitioner is filing these two IPR petitions against claims 1-9, 19-25, and 27-30 of the '697 as "copycat" petitions to the petitions previously filed by Genius in IPR2024-01308 & IPR2024-01309, and intends to seek joinder with those IPRs (and

assume a "passive understudy role") in the event they are instituted by the Board.[2] Petitioner has not previously filed any IPR petitions against the '697. Petitioner is thus not abusing process; rather, Petitioner is merely providing the Board with sufficient context and analysis to fully understand the nature of the challenged to the claims and the asserted prior art. For these reasons, the Board should institute both petitions.[3]

Date: December 11, 2024

Respectfully submitted,

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[2] In the event that Genius withdraws its IPR petitions prior to institution, Petitioner intends to rely on the instant petitions as grounds for seeking *inter partes* review of claims 1-9, 19-25, and 27-30 of the '697.

[3] The Administrate Procedures Act and substantive and procedural due process weigh against denying the institution of either petition under 35 U.S.C. § 314(a).

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CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. §§42.105, 42.6(e), the undersigned hereby certifies that a copy of the foregoing Petitioner's Showing of Good Cause for Parallel Petitions was served on the 11th day of December 2024, via Federal Express® directed to PO at the correspondence address of record:

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