

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FANDUEL, INC.,
Petitioner,

v.

WINVIEW IP HOLDINGS, LLC,
Patent Owner.

Case IPR2026-00245
U.S. Patent No. 12,005,349

**DECLARATION OF DAVID LOCKTON IN SUPPORT OF
PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL**

I, David Lockton, hereby declare under penalty of perjury, that the following statements are true and correct:

1. I submit this Declaration in support of WinView IP Holdings, LLC's request for discretionary denial. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. I am the primary inventor or co-inventor on WinView's over 100 patents, including the patents WinView is asserting in district court litigation against Petitioner FanDuel, and the sole inventor of U.S. Patent No. 12,005,349 (the "'349 Patent").

3. I am intimately familiar with the technology of the '349 Patent. Over the course of my career, I founded three companies that made important contributions to gaming technology, including inventing mobile gaming for both games of skill and games of chance.

4. I founded WinView, Inc., WinView Technology, Inc., and Patent Owner, WinView IP Holdings, LLC. I serve as the President and Chief Executive Officer of WinView Technology, Inc. and WinView IP Holdings, LLC.

5. My vision for WinView, Inc. was to revolutionize the paid-entry skill game and sports-betting industry by introducing new technologies to enable TV

viewers to meaningfully interact in real time with sports programming. I worked on a series of inventions to deal with the challenges presented by remote, live, and real-time online gaming, solving long-standing challenges in sports and entertainment technology. By leveraging mobile, smart phone technology, WinView's innovations enable users to engage with games of skill and chance in dynamic and interactive ways.

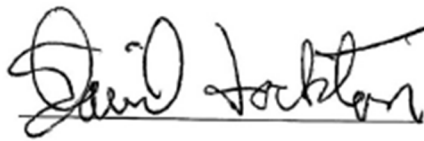
6. I was directly involved in WinView's attempts to partner with FanDuel. In early 2017, through a consultant, I contacted FanDuel's then-CEO to arrange discussions regarding the synergism between WinView's patented technology and FanDuel's business, and I facilitated an introduction to WinView's Executive Chairman. Those discussions led to direct communications during which FanDuel's CEO acknowledged there were "[l]ots of similar interests here" with regards to the two companies and the patented technology. After FanDuel's change in leadership, I directed WinView Inc.'s outreach to FanDuel's CEO, Matt King, which resulted in a meeting under a non-disclosure agreement in early 2019. I directed WinView's efforts to assist FanDuel in conducting diligence into WinView's technology and patents, which included providing technical disclosures and information about WinView's patents to FanDuel. WinView Inc. provided disclosures identifying its patent portfolio, including the technology underlying the '349 Patent and its parent patents and applications, and a presentation that

identified WinView Inc.'s intellectual property including the technology underlying the '349 Patent invention. FanDuel ultimately declined to enter into a partnership with WinView or to take a license to its patents.

7. As part of these diligence efforts, WinView Inc. provided FanDuel with an intellectual property Status Report that specifically identified the parent patents for the '349 Patent, U.S. Patent No. 8,149,530, which issued fourteen years ago (April 3, 2012), and U.S. Patent No. 9,511,287, issued 9 years ago (December 6, 2016), as well as additional ancestral patents, including U.S. Patent No. 8,717,701, issued nearly 12 years ago (May 6, 2014), U.S. Patent No. 8,705,195, issued 12 years ago (April 22, 2014), U.S. Patent No. 9,672,692, issued nearly 9 years ago (June 6, 2017), U.S. Patent No. 9,919,210, issued 8 years ago (March 20, 2018), and U.S. Patent No 10,137,369, issued seven years ago (November 27, 2018). Thus, FanDuel learned of WinView's patents at least seven years ago.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent and any post grant review decision issuing thereon.

Executed on April 11, 2026, in Charlotte, North Carolina.

A handwritten signature in black ink, appearing to read "David Lockton", written over a horizontal line.

David Lockton