

**From:** [Director Discretionary Decision](#)  
**To:** [Nightingale, Joshua R.](#); [Director Discretionary Decision](#)  
**Cc:** [Trials](#); [Bennett, Jennifer D.](#); [Sidley - Evolution](#); [Broughan III, Thomas A.](#); [Fukuda, Ching-Lee](#); [Lee, Sharon](#)  
**Subject:** RE: IPR2025-01072, -01073, -01078  
**Date:** Friday, October 3, 2025 2:25:07 PM

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Petitioner may file the order as an exhibit.

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**From:** Nightingale, Joshua R. <jrnightingale@jonesday.com>  
**Sent:** Friday, October 3, 2025 1:45 PM  
**To:** Director\_Discretionary\_Decision <Director\_Discretionary\_Decision@uspto.gov>  
**Cc:** Trials <Trials@USPTO.GOV>; Bennett, Jennifer D. <jenniferbennett@jonesday.com>; Sidley - Evolution <sidleyevolution@sidley.com>; Broughan III, Thomas A. <tbroughan@sidley.com>; Fukuda, Ching-Lee <clfukuda@sidley.com>; Lee, Sharon <sharon.lee@sidley.com>  
**Subject:** IPR2025-01072, -01073, -01078

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Director Squires,

Petitioner requests authorization to file the attached order as an exhibit in IPR2025-01072, -01073, and -01078. The order was issued by the district court in the co-pending litigation involving the parties, *Evolution Malta Limited, et al. v. Light & Wonder, Inc., et al.*, 2:24-cv-00993-CDS-NJK (D. Nev.), on September 30, 2025.

In the order, the district court grants defendants' motion to compel arbitration of plaintiffs' trade secret misappropriation claims. The order is relevant to Patent Owner's argument that "Discretionary Denial Is Appropriate Because the Patent and Trade Secret Misappropriation Claims Should Be Considered Together." See, e.g., IPR2025-01072, Request for Discretionary Denial at 33.

Counsel for Patent Owner Evolution has reviewed, and is copied on, this email. Evolution's position is below:

Evolution believes submission of the district court's order is premature. However, Evolution would not object to its submission as long as the Director and Office are aware that Evolution intends to promptly file for reconsideration of the order on the basis that the district court misidentified and overlooked the provision that carved out IP disputes from arbitration, and mistakenly relied on a different provision instead.

Respectfully,  
Josh Nightingale  
Counsel for Petitioner

Joshua R. Nightingale  
Partner

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