

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIGHT & WONDER, INC.,  
Petitioner,

v.

EVOLUTION MALTA LIMITED,  
Patent Owner.

IPR2025-01072

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**PATENT OWNER EVOLUTION MALTA LIMITED'S  
REQUEST FOR DISCRETIONARY DENIAL**

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2001	2024 Evolution Annual Report
2002	2021 Evolution Annual Report
2003	Evolution Interim Report, January to June 2025
2004	Evolution Press Release: Five wins for Evolution Group at EGR B2B Awards including Live Casino Supplier of the Year for 12th year running (July 8, 2021) <a href="https://www.evolution.com/news/five-wins-for-evolution-group-at-egr-b2b-awards-including-live-casino-supplier-of-the-year-for-12th-year-running/">https://www.evolution.com/news/five-wins-for-evolution-group-at-egr-b2b-awards-including-live-casino-supplier-of-the-year-for-12th-year-running/</a>
2005	Evolution’s Lightning Roulette Voted GOTY At EGR (Oct. 30, 1018) <a href="https://lcb.org/news/evolution-s-lightning-roulette-voted-goty-at-egr">https://lcb.org/news/evolution-s-lightning-roulette-voted-goty-at-egr</a>
2006	Global Gaming Awards, Vegas 2018 Winners <a href="https://www.globalgamingawards.com/vegas/2018/">https://www.globalgamingawards.com/vegas/2018/</a>
2007	Global Gaming Awards Las Vegas 2018 winners revealed (Oct. 8, 2018) <a href="https://www.gamblinginsider.com/news/6039/global-gaming-awards-las-vegas-2018-winners-revealed">https://www.gamblinginsider.com/news/6039/global-gaming-awards-las-vegas-2018-winners-revealed</a>
2008	Evolution Press Release: Evolution and Scientific Games strike land-based Lightning Roulette deal (May 25, 2021) <a href="https://www.evolution.com/news/evolution-and-scientific-games-strike-land-based-lightning-roulette-deal/">https://www.evolution.com/news/evolution-and-scientific-games-strike-land-based-lightning-roulette-deal/</a>
2009	2022 American Gambling Awards Nominations <a href="https://www.gambling.com/us/awards/winners/2022">https://www.gambling.com/us/awards/winners/2022</a>
2010	Lightning Roulette U.S. from Evolution is the American Gambling Awards Gaming Product of the Year (Nov. 18, 2022) <a href="https://www.businesswire.com/news/home/20221118005067/en/Lightning-Roulette-U.S.-from-Evolution-is-the-American-Gambling-Awards-Gaming-Product-of-the-Year">https://www.businesswire.com/news/home/20221118005067/en/Lightning-Roulette-U.S.-from-Evolution-is-the-American-Gambling-Awards-Gaming-Product-of-the-Year</a>
2011	Lightning Roulette Product Page <a href="https://games.evolution.com/live-casino/live-roulette/lightning-roulette/">https://games.evolution.com/live-casino/live-roulette/lightning-roulette/</a>
2012	Press Release re: FanDuel Extension (Nov. 14, 2024)

<b>Exhibit#</b>	<b>Reference Name</b>
2013	L&W's Responses and Objections to Evolution's First Set of Interrogatories (Oct. 7, 2024) (excerpts)
2014	March 29, 2021 License Agreement between Evolution and L&W
2015	Evolution's February 28, 2022 Letter to L&W
2016	L&W's March 17, 2022 Letter to Evolution
2017	Dkt. No. 125, Second Amended Complaint in <i>Evolution Malta Limited v. Light &amp; Wonder, Inc.</i> , Case No. 2:24-cv-00993-CDS-EJK (D. Nev.)
2018	L&W's Invalidity Contentions (Nov. 2024)
2019	L&W's Supplemental Invalidity Contentions (Aug. 2025)
2020	Dkt. No. 67, Order Denying Motion to Stay Discovery (Nov. 7, 2024)
2021	Dkt. No. 84, Minutes of Proceedings
2022	Dkt. No. 122, Order Denying Joint Stipulation to Stay Discovery (June 25, 2025)
2023	Dkt. No. 151, Order Denying Stipulation to Extend Discovery (July 28, 2025)
2024	Dkt. No. 156, Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint (Aug. 9, 2025)
2025	Dkt. No. 157, Order Granting Joint Stipulation to Stay Discovery (Aug. 11, 2025)
2026	L&W's July 22, 2025 Letter to Evolution

## **I. Introduction**

Patent Owner Evolution Malta Limited (“Evolution” or “Patent Owner”) is the leading provider of live casino games around the world. Live casino games are a form of online gaming where the games are facilitated in real-time by a human dealer, and players place wagers and participate online. One of Evolution’s leading games is Lightning Roulette, which is enormously popular amongst players and has received multiple industry awards, including “Product Innovation of the Year,” since its launch in 2018. EX2006. U.S. Patent No. 11,011,014 (“the ’014 patent”) and its parent U.S. Patent No. 10,629,024 (“the ’024 patent”), are two of a number of patents that protects Evolution’s Lightning Roulette game that helped rejuvenate the gaming industry.

For years, Evolution and Petitioner Light & Wonder, Inc. (“Petitioner” or “L&W”) have been engaged in a long-running dispute involving L&W’s theft of Evolution’s trade secrets and infringement of Evolution’s patents to launch L&W’s copycat version of Lightning Roulette. Back in 2021, as part of Evolution’s launch of Lightning Roulette in the U.S., Evolution sought a U.S. partner to help develop a table-version of Evolution’s Lightning Roulette that could be sold to and played in land-based casinos. Evolution was negotiating with another U.S. partner when L&W swooped in with a seemingly better deal and won the contract with Evolution. As part of the 2021 contract, Evolution granted L&W an exclusive

license to the application that became '014 patent and to the parent '024 patent and provided access to Evolution's trade secrets relating to Lightning Roulette. Shortly after receiving Evolution's trade secrets, however, L&W attempted to terminate the contract and never developed a table-version of Lightning Roulette.

Unbeknownst to Evolution at the time, L&W instead was working on a copycat game, called RouletteX, which it promptly launched the month after telling Evolution the contract was terminated. EX1015, ¶23. The parties engaged in multiple rounds of discussions in an effort to resolve their disputes. When L&W continued to launch additional versions of copycat games that infringe Evolution's patents and misappropriate Evolution's trade secrets, Evolution had no choice but to sue L&W in 2024 for trade secret misappropriation and patent infringement.

When L&W continued to launch additional versions of copycat games, Evolution sued L&W in 2024 for trade secret misappropriation and patent infringement.

Against that backdrop, Evolution respectfully requests discretionary denial of L&W's IPR petition. There are three main reasons why the Office should not waste its resources on this petition.

*First*, there are settled expectations between the parties with respect to the '014 patent, based on L&W's longstanding knowledge of not only the patent and patent family, but also of the significant patent dispute following the parties' prior business relationship. *See Nvidia Corp. v. Neural AI, LLC*, IPR2025-00606, Paper

16 (July 31, 2025). L&W had actual knowledge of the '024 patent by at least August 2020, actual knowledge of the '014 patent by March 8, 2021, and had actual notice of its infringement of the '014 patent by at least February 28, 2022. EX2013, 2; EX1015, ¶28. L&W's failure to file a petition until *several years later* weighs heavily in favor of denial.

Tellingly, L&W waited until the last possible moment to file an IPR petition. After learning about the '024 patent in 2020 and the '014 patent's application in March 2021, rather than challenge their validity, L&W instead decided to partner with Evolution and obtain an exclusive license to the patents in March 2021. After learning Lightning Roulette's inner workings, L&W sought to terminate the license and promptly launched its own infringing RouletteX game in September 2021. L&W did not challenge '014 patent's validity in 2021 either. In February 2022, Evolution expressly provided written notice to L&W that RouletteX infringed both the '024 and '014 patents. In March 2022, L&W responded, stating that it believed "all of the claims of the two asserted patents are invalid under at least Sections 102 and 103," but L&W did not file a challenge in 2022 either. EX2016, 2. The parties exchanged additional letters, with Evolution sending the final letter in April 2024. L&W, however, did not file any petition challenging either the '024 patent's or '014 patent's validity in 2023 or in 2024. L&W did not file any petition challenging the '014 patent's validity at any time from 2020 through 2024. Even

after being sued for patent infringement in 2024, L&W continued its pattern of delay, waiting until just four days before the § 315(b) statutory bar to file this petition.

Based on the parties' history, L&W's petition should be denied institution based on the parties' settled expectations.

*Second*, discretionary denial is appropriate under *Fintiv* in view of the parties' substantial investments in the litigation. L&W waited nearly a full year after being sued to file this petition. Consequently, a significant amount of work has been done in the litigation, including multiple rounds of substantive motion practice, review and production of documents, and the exchange of multiple rounds of infringement and invalidity contentions and other discovery responses.

L&W chose to extensively litigate patent validity in court before getting around to filing this petition. For example, L&W filed multiple motions to dismiss alleging the '014 patent is invalid under § 101. The court initially dismissed the '014 patent based on the pleadings before it, but granted Evolution leave to amend its complaint to include additional facts to support eligibility. The court's issuance of a substantive order about the '014 patent under § 101 weighs in favor of discretionary denial. "[T]he district court has issued substantive orders related to the patent at issue in the petition, this fact favors denial." *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, at 9-10 (Mar. 20, 2020) (precedential); *Hulu, LLC v.*

*Piranha Media Distribution, LLC*, IPR2024-1252, Paper 27 (Director Apr. 27, 2025) (informative). Evolution has since filed two amended complaints, and L&W moved to dismiss the '014 patent under § 101 in response to each amended complaint. L&W's most recent motion remains pending. This petition appears to be merely an afterthought for L&W, as it has clearly chosen the district court as its preferential forum for challenging the validity of the '014 patent.

If this IPR proceeds, there is substantial risk of duplication of work with the litigation. In its invalidity contentions filed in November 2024, L&W sought to evade IPR estoppel by including hundreds of grounds combining system art with patents and printed publications, ***including the same three references that L&W is asserting in this IPR.*** System art is not subject to estoppel, and thus, the district court will consider the same art that L&W is raising in this IPR. It is inefficient for the Board to consider L&W's grounds in this IPR when L&W is using system art to preserve its ability to raise essentially the same grounds in court.

*Third*, it is more equitable for Evolution's trade secret misappropriation claims and patent infringement claims to be adjudicated together in court because they are part of the same dispute relating to L&W's launch of a copycat game. The patent and trade secret claims arise out of the same events, and thus, there is substantial overlap in the relevant facts. In addition, L&W engaged in unfair dealings with Evolution by taking a license to the '014 patent's application,

terminating the license without having made a product for Evolution, and then immediately launching a copycat game. *Tessell, Inc. v. Nutanix, Inc.*, IPR2025-00322, Paper 14 (June 12, 2025) (“the Office may consider unfair dealings as a factor when determining whether to exercise discretion to deny institution”). It is far more efficient and fair to allow the court and a jury to resolve all of the patent and trade secret claims together than for the Board to consider just one small piece of the patent dispute in isolation. Thus, the Director should deny the petition.

## **II. Factual Background**

### **A. Evolution**

Evolution is a global gaming company, and a leading provider of fully-integrated software casino solutions to online gaming operators and land-based casinos. Evolution was founded in 2006 as one of the first providers of B2B live casino solutions in Europe. Live casinos are a form of online gaming where the games are facilitated in real-time by a human dealer and players participate online by watching, placing wagers, and optionally chatting with other players or the dealer. To provide its games, Evolution operates 21 studios worldwide (7 of which are in the U.S.), where human dealers run games that are broadcast to players online. EX2001, 15. Live casinos have become immensely popular among players because they replicate online the environment of a land-based casino. Due to its industry-leading solutions, Evolution has been named Live Casino Supplier of the

Year at the EGR B2B Awards, which reward the best service providers in the online gaming industry, 12 years in a row. EX2004.

Evolution was founded in Europe, and in 2018 it started building operations in the U.S., which has significantly grown. Over the last three years, Evolution's U.S. work force has increased over 350%, and at the end of 2024 it had over 3,000 U.S. employees. EX2002, at 91; EX2001, 39, 98. Evolution also has been continually increasing its investments in its U.S. studio space. In 2024, Evolution opened new studios in Michigan and New Jersey, and it expanded its existing studios in Pennsylvania, Michigan, and Connecticut. EX2001, 4. Today, Evolution operates seven studios in the U.S., located in those four states. EX2001, 15. Evolution plans to continue growing its U.S. presence, and has already started the planning process to open another new studio in Michigan. EX2001, 4-6, 10; EX2003, 2.

Evolution is a B2B provider, and its games are available to U.S. customers in approved markets through major online gaming providers, such as FanDuel Casino, Bet365, and Caesars Digital. EX2001, 60. To date, Evolution has regulatory approval to operate in six states, and Lightning Roulette is approved by regulators in four states. EX2001, 12.

## **B. Evolution’s Development of Its Lightning Roulette Product that Is Covered by the ’024, ’014, and ’371 Patents**

A key driver of Evolution’s success is its commitment to innovation and product excellence, allowing it to create new and exciting games that players love. Evolution’s investments have led to a number of novel and successful products, including Lightning Roulette, which launched in 2018. To protect its innovations, Evolution sought and obtained multiple patents that cover the game, including the ’024 patent, ’014 patent, and U.S. Patent No. 11,756,371 (“the ’371 patent”), which all come from the same patent family.<sup>1</sup>

Lightning Roulette was unlike any other roulette game that came before it. In traditional roulette, players place bets by putting chips on a number on a physical game table that corresponds to a numbered position on the roulette wheel. If the ball lands in that position, the player receives a standard payout of 35:1. In Lightning Roulette, players place bets electronically by selecting the numbers on a player device. Each round, Lightning Roulette’s software randomly or pseudo-randomly selects one or more numbers as “Lucky Numbers” that are assigned an increased payout (*e.g.*, between 50x and 500x). EX2011. If the ball lands in one of the selected “Lucky Numbers” for that round, each player who bet on that number will receive an increased payout according to the multiplier assigned to

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<sup>1</sup> The ’024 and ’371 patents are subject to IPR2025-01073 and -01078.

that number. The opportunity to win increased payouts makes Lightning Roulette highly attractive to players.

Due to its unique features and gameplay, Lightning Roulette has been hugely successful and is enjoyed by millions of players around the world. The game's novelty and success has been widely recognized in the gaming industry. After it was released in 2018, Lightning Roulette was awarded "Game of the Year" and "Product Innovation of the Year." EX2005; EX2006; EX2007; EX2009; EX2010. These prestigious awards reflect the industry's recognition of Evolution's innovation and contribution to the field.

### **C. Evolution's Partnership with Light and Wonder**

In addition to the industry at large, L&W itself has recognized Lightning Roulette's success and innovative nature. For example, a L&W senior executive called it a "a truly unique roulette experience for players" and predicted that, with its "big-win multipliers, Lightning Roulette is sure to be one of the most visually engaging and entertaining live table games ever offered." EX2008. L&W apparently was so impressed by the game, it decided to copy it.

In March 2021, Evolution and L&W entered into an agreement for L&W to develop a table version of Lightning Roulette that could be played in-person. EX2014, 4. Evolution had been exploring a partnership with another U.S. company, but after months of negotiations, ultimately selected to partner with

L&W. EX1015, ¶¶12-15, 19. As part of the agreement, L&W received an exclusive license to the '024 patent and to the application that became the '014 patent for the purpose of developing a table version of Evolution's Lightning Roulette game to sell to land-based casinos. EX2014, 6, 29. For the project, Evolution shared highly confidential and proprietary trade secrets about Lightning Roulette, including math files containing the underlying probabilities and other math for the game. EX1015, ¶¶16-18. After obtaining Evolution's highly confidential information, however, L&W abruptly sought to unilaterally terminate the agreement in August 2021, just before announcing the launch of its own copycat game, RouletteX. EX1015, ¶¶17-23. Up until that time, L&W never told Evolution that it was planning to release its own roulette game. Just like Lightning Roulette, L&W's RouletteX randomly adds multipliers to several roulette numbers each time the roulette wheel is spun such that, if one is hit, players are awarded various increased payouts. That game infringes the '014 patent.

Shortly after L&W's RouletteX launched, the parties exchanged a series of letters regarding the game. On February 28, 2022, Evolution notified L&W that RouletteX infringed the '024 and '014 patents. EX1015, ¶28; EX2015, 11. On March 17, 2022, L&W responded, stating that it believed that "all of the claims of the two asserted patents are invalid under at least Sections 102 and 103." EX2016, 2. The parties exchanged several more rounds of letters over the following two

years, but the dispute was not resolved. In late 2023, L&W launched additional infringing games, such as Power X which also includes random multipliers. L&W again refused to stop its infringing activities, and Evolution was forced to sue L&W in 2024 for trade secret misappropriation and patent infringement.

#### **D. The Concurrent Litigation**

To protect its innovations, Evolution filed a Complaint in the U.S. District Court for the District of Nevada on May 28, 2024, for trade secret misappropriation and patent infringement. Evolution initially asserted the '024, '014, and '371 patents, which are all part of the same family. In its second amended complaint, Evolution added two additional, unrelated patents that are not currently the subject of any IPR petition.

The litigation has been pending for over a year now, and the parties have made substantial investments in it. There has been substantial motion practice regarding validity under § 101. The parties have exchanged multiple rounds of infringement and invalidity contentions. The parties also have engaged in substantial written discovery—Evolution has served 17 interrogatories, and L&W has served 19 interrogatories. The parties also have made progress on document discovery and have started producing documents. The parties also participated in a Court-ordered settlement conference. The litigation remains pending. As described in § IV.B.4, below, on August 11, 2025, the court stayed fact discovery

until January 16, 2026, at the request of the parties to allow the court time to rule on L&W's pending motion to dismiss the patent claims under § 101. The parties jointly requested this delay so that discovery on all the patent claims and trade secret claims (with significant overlapping facts) can proceed together in an orderly manner, and not piecemeal.

### **III. Legal Principles**

The Board's authority to deny institution under 35 U.S.C. § 314(a) is both clear and broad. In the PTAB Interim Workload Management Memorandum dated March 26, 2025, the Director set forth "relevant circumstances" that may be considered when determining whether to institute an IPR. Those circumstances are to be evaluated with the "aim to improve PTAB efficiency, maintain PTAB capacity to conduct AIA proceedings, reduce pendency in ex parte appeals, and promote consistent application of discretionary considerations in the institution of AIA proceedings." PTAB Workload Management Memo, 2-3.

There are three primary circumstances that are relevant here. First, the Director may consider the "[s]ettled expectations of the parties, such as the length of time the claims have been in force." *Id.* The Director has explained that "there is no bright-line rule on when expectations become settled, [but] in general, the longer the patent has been in force, the more settled expectations should be."

*Dabico Airport Solutions Inc. v. Axa Power APS*, IPR2025-00408, Paper 21 (June 18, 2025) (informative).

Circumstances can establish settled expectations even for younger patents. For example, where a petitioner has actual knowledge of a patent or where the petitioner and patent owner previously had a commercial relationship, the petitioner's failure to seek early review supports settled expectations. *See Nvidia*, IPR2025-00606, Paper 16 (denying institution even though the patent reissued in 2023, because petitioner had actual notice of the patents and a prior commercial relationship with the patent owner); *Regenx Science, Inc. v. Nextgen Biologics, Inc.*, IPR2025-00620, Paper 13 (July 31, 2025) (denying petition because it is inefficient for the Board to consider a patent where the petitioner previously licensed it). The Office has found that knowledge of a patent owner's patent portfolio or knowledge of a related patent to be sufficient. *See Nvidia*, IPR2025-00606, Paper 16 at 2-3 (denied based on actual knowledge of patent owner's "patent portfolio" and of the patent pre-reissue with different claims); *Data Dome S.A. v. Arkose Labs Holdings, Inc.*, IPR2025-00693, Paper 14 (Aug. 14, 2025) (relevant that petitioner "has been aware of Patent Owner's patent portfolio in general since at least 2022, and the challenged patents specifically since 2023"); *Murata Mfg. Co., Ltd. v. Georgia Tech. Research Corp.*, IPR2025-00383, Paper 13

at 2 (July 29, 2025) (relevant that “Petitioner was aware that Patent Owner was involved in the same technology space for a significant amount of time”).

Second, the Office may consider any of the established discretionary denial frameworks, such as the six non-exclusive factors identified in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, at 6 (Mar. 20, 2020) (precedential). As the Office has recognized, institution of IPRs may be denied when there is related litigation and an IPR would not be “an effective and efficient alternative to district court litigation.” *Gen. Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19, 16-17 (Sept. 6, 2017) (precedential).

Third, the Office may also consider “[a]ny other considerations bearing on the Director’s discretion.” PTAB Workload Management Memo, 2-3. Other considerations can include the equity of the challenge and whether the petitioner has engaged in unfair dealings. *Tessell*, IPR2025-00322, Paper 14. The Office has recognized that some disputes are better resolved in an Article III court.

<https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management>

(“reasonable disputes between experts on dispositive issues may suggest that the questions are better resolved in an Article III court”).

#### IV. Argument

- A. Evolution Has Settled Expectations Based on L&W’s Long-Standing Knowledge of the ’014 Patent and of the Parties’ Ongoing Dispute about L&W’s Infringement of the ’014 Patent, and Based on Evolution’s Prior Business Relationship with L&W**
- 1. L&W Has Had Actual Knowledge of the ’014 Patent for Nearly Five Years and Actual Notice of Its Infringement of the ’014 Patent for More Than Three Years**

Discretionary denial is appropriate here because despite having actual knowledge of the ’024 patent (the ’014 patent’s parent) almost five years ago and of the application that became ’014 patent over four years ago, L&W failed to seek IPR review until now. Where a petitioner had knowledge of a patent for multiple years, but waited to file an IPR until after being sued, that favors discretionary denial based on settled expectations. *Google LLC v. Soundclear Techs. LLC*, IPR2025-00344, Paper 15 (Aug. 4, 2025) (finding Google’s notice of the patent almost six years earlier supported discretionary denial); *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 (June 6, 2025) (finding that Petitioner’s awareness of Patent Owner’s applications and failure to seek early review of the patents favor denial and outweigh other considerations); *Nvidia*, IPR2025-00606, Paper 16 (discretionary denial where petitioner received actual notice of the patent owner’s “patent portfolio” and a related patent years prior but failed to seek early review). Here, L&W not only waited until after being sued, it

then waited another year—until four days before the § 315(b) statutory bar—to file this petition.

L&W admits that it had actual knowledge of the parent '024 patent by August 26, 2020 and of the application that became the '014 patent by March 8, 2021.<sup>2</sup> EX2013, 2. Around that time, the parties were negotiating about whether L&W would partner with Evolution to develop a table version of Lightning Roulette. A deal was signed in March of 2021 where L&W took a license to both the '024 patent and the application that became the '014 patent.<sup>3</sup> EX2014, 29. Over the next few years, L&W and Evolution were in frequent contact regarding Evolution's intellectual property (including the '014 patent), their business relationship, and the fallout after L&W's termination of their agreement. For example, in February 2022, after L&W launched its copycat RouletteX game,

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<sup>2</sup> L&W also had constructive notice of the patent family since the '024 patent issued on April 21, 2020. As the Office has noted, the patent would have been published and “publicly available to provide notice to the public, other inventors, competitors, and commercial interests.” *Dabico*, IPR2025-00408, Paper 21.

“[A]ctual notice of a patent or of possible infringement is not necessary to create settled expectations.”

<sup>3</sup> The '014 patent was allowed on January 22, 2021, and it issued on May 18, 2021.

Evolution promptly notified L&W that it infringed both the '024 and '014 patents. EX2015, 11. L&W responded on March 17, 2022, stating that it believed that the '024 and '014 patents were invalid under § 102 and § 103. EX2016, 2. The parties exchanged additional letters over the next two years. Despite L&W's knowledge of a dispute, its professed belief that the claims were invalid, and the ongoing dispute between the parties, L&W waited over four years before filing this IPR. L&W's failure to seek earlier review weighs heavily in favor of discretionary denial.

**2. L&W's Prior Business Relationship with Evolution and Its Termination of Its Exclusive License to the '014 Patent Family Favors Denial**

Where parties had a prior business relationship or when they previously had discussions about a challenged patent, as happened with Evolution and L&W here, the Office has found discretionary denial to be appropriate. For example, the Office has found that, where the petitioner previously "licensed the patents" but requests IPR review after the license was terminated, it is not an efficient use of Board resources to consider that challenge. *Regenx*, IPR2025-00620, Paper 13 at 1; *see Microsoft Corp. v. Dialect, LLC* ("*Dialect*"), IPR2025-00659, Paper 12 (August 14, 2025) (waste of Office resources to consider a challenge from a party where the party's subsidiary had a license for a patent); *Microsoft Corp. v. TS-Optics Corp.*, IPR2025-00767, Paper 13 (August 14, 2025) (inefficient use of

Board resources to consider a challenge from a party that previously licensed the challenged patent). Similarly, where parties previously had a “commercial relationship” and had discussed a patent portfolio including the challenged patent, that has favored discretionary denial. *Nvidia*, IPR2025-00606, Paper 16.

The settled expectations arising out of Evolution’s and L&W’s prior business relationship favor discretionary denial. In March 2021, after months of negotiations, L&W signed an agreement with Evolution to make a table-version of Lightning Roulette. As part of the parties’ deal, L&W received an *exclusive license* to both the ’024 patent and the application that became the ’014 patent for that purpose. EX2014, 4, 6, 29. Despite the agreement and license, L&W never made a table-version of Lightning Roulette. Instead, a few months after L&W received Evolution’s trade secrets about Lightning Roulette’s inner workings, L&W inexplicably and unilaterally terminated the agreement and license. L&W then immediately launched its copycat game, RouletteX, that infringes the ’014 patent. It is inequitable and a waste of the Board’s resources to consider an IPR petition from L&W against a patent it previously licensed and has known about for years.

L&W was well aware that its launch of RouletteX in late 2021 created a real dispute between the parties regarding infringement of the ’014 patent, yet it chose not to file an IPR (or PGR) petition in 2021. Evolution notified L&W of its

infringement in February 2022, and L&W responded in March 2022, stating that it purportedly believed the patent to be invalid under §§ 102 and 103. EX2016, 2. Despite that belief, L&W chose not to file an IPR petition in 2022 or in 2023. Even after Evolution filed its lawsuit, L&W delayed. Evolution sued L&W on May 28, 2024. EX1015. On November 2024, L&W served invalidity contentions and stated it planned on filing IPRs, but L&W did not file an IPR petition in 2024. Instead, L&W waited until May 30, 2025, just four days before the § 315(b) statutory bar, to file this IPR petition.

Based on the parties' five-year history and L&W's lack of interest in filing an IPR petition until now, settled expectations have developed, and discretionary denial is appropriate. The Office has found settled expectations in such circumstances, even where the challenged patent is less than 2 years old. As the Director has explained:

Although the patent originally issued in 2015, *the patent reissued in 2023 with different claims* from the original patent. While ordinarily such circumstances would counsel against discretionary denial, *Petitioner and the original patent owner, Neurala, Inc., had a commercial relationship* and, in 2017, Neurala sent Petitioner *a presentation that included a discussion of Neurala's patent portfolio*, including the patent challenged in IPR2025-00606 and the original patent that the patent challenged in IPR2025-00608 issued from. Accordingly, *Petitioner had actual notice of the challenged patents*

*and Petitioner's failure to seek early review of the patents favors denial.*

*Nvidia*, IPR2025-00606, Paper 16 (emphases added).

Here, L&W waited until 5 years after it had notice of the parent '024 patent, until 4 years after it terminated a license to the '014 patent patent and launched a competing product that infringed, until over 3 years after it professed it believed the patent was invalid under §§ 102 and 103, and until 1 year after it was sued to file this IPR. *See Sig Sauer Inc. v. Lone Star Future Weapons, Inc.*, IPR2025-00410, Paper 13 (June 26, 2025) (finding the timing of challenge favored discretionary denial, where the petitioner developed a competing product without challenging the patent and filed an IPR only after the patent owner filed a trade secret misappropriation suit). L&W could have sought review of the '014 patent earlier, and its failure to do so strongly favors denial.

### **3. Evolution's Investments in Lightning Roulette Favor Discretionary Denial**

Evolution has invested in developing, marketing, and getting approval for Lightning Roulette and other products that embody the challenged claims. For example, Evolution invested years to develop and perfect the Lightning Roulette game. Evolution has sought and obtained regulatory approval for Lightning Roulette in 4 states. It has built multiple studios in the U.S. from which Lightning Roulette and other games are hosted and broadcast. EX2001, 15. These

investments further support Evolution’s settled expectations with respect to the ’014 patent. *Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9 at 2 (July 24, 2025) (“an extraordinary amount of investment, time, and resources dedicated to research, development, trials, and regulatory approval” can show there are settled expectations where the patent at issue was in force for three years).

**B. Discretionary Denial Is Warranted Under *Fintiv* Based on the Parties’ Substantial Investments in the Parallel Litigation**

The Board should deny institution under *Fintiv* based on the substantial investments the parties have made in the parallel district court proceeding. While L&W delayed filing this petition until just before the one year bar, L&W was actively litigating invalidity in court, filing multiple motions based on § 101 and serving voluminous invalidity contentions. Based on L&W’s extensive use of system art in its invalidity contentions, even if this IPR is instituted, it will not simplify issues for the district court and will result in duplicative efforts by the court and the Board. *NHK Spring v. Intri-plex Techs.*, IPR2018-00752, Paper 8 at 11 (Sept. 12, 2018) (precedential) (parallel proceedings are “an inefficient use of [the Board’s] time and resources”).

Pursuant to *Fintiv*, the Board considers the following non-exclusive factors when determining whether to discretionarily deny a petition in view of concurrent litigation:

- whether the petitioner and the defendant in the parallel proceeding are the same party;
- investment in the parallel proceeding by the court and the parties;
- overlap between issues raised in the petition and in the parallel proceeding;
- whether the court granted a stay or evidence exists that one may be granted if an IPR is instituted;
- proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision; and
- other circumstances that impact the Board’s exercise of discretion.

*Apple Inc. v. Fintiv Inc.*, IPR2020-00019, Paper 11 at 2 (Mar. 20, 2020).

As shown below, when the factors are considered together, they weigh strongly in favor of discretionary denial of L&W’s petition.

**1. Petitioner and Defendant Are the Same**

The parties to this IPR are both parties in the litigation. Petitioner L&W is a defendant, and Evolution is a plaintiff. This factor favors discretionary denial.

**2. The Parties and the Court Have Made Substantial Investments into the District Court Case**

L&W prioritized its district court validity challenges over filing IPR petitions, and the parties have invested substantial resources into litigating validity in court. This factor favors discretionary denial. *Advanced Micro Devices v. Concurrent Ventures*, IPR2025-00223, Paper 9 (June 12, 2025) (even if the district court trial date is after the projected final written decision date, that “does not

outweigh the efficiencies gained by avoiding parallel proceedings in this instance because of the parties' meaningful investment in the district court proceeding"). The court has invested in validity disputes as well, having already issued a decision granting a motion to dismiss under § 101. "[I]f, at the time of the institution decision, the district court has issued substantive orders related to the patent at issue in the petition, this fact favors denial." *Fintiv*, IPR2020-00019, Paper 11 at 9-10.

Before filing this IPR petition, L&W filed two motions to dismiss for patent ineligibility under § 101, and it has since filed a third. The district court granted L&W's first motion to dismiss with respect to the eligibility of the '014 patent. However, the district court granted Evolution leave to file an amended complaint with additional factual allegations to support patent eligibility. Evolution has filed two amended complaints, and L&W has moved to dismiss the '014 patent from both under § 101. L&W filed its motion to dismiss the '014 patent from the second amended complaint on August 9, 2025, which remains pending. EX2024, 1. The parties have made substantial investments in briefing those motions, and the district court has invested in analyzing the patents and issuing one substantive decision on patent eligibility, and it will issue a second substantive decision on patent eligibility in the next few months.

Even with respect to validity based on § 102 and § 103, L&W prioritized its district court case over preparing and filing IPRs. In November 2024, L&W served extensive invalidity contentions on Evolution, spanning 2,841 pages. In its contentions, even though L&W stated it planned on filing IPRs, L&W then did nothing for seven months before finally getting around to filing them. Because L&W waited almost a full year after being sued to file IPRs, the parties have already engaged in a substantial amount of patent-related litigation in court, including the following.

- On July 24, 2024, L&W moved to dismiss arguing that the asserted claims of the '014 patent are invalid under 35 U.S.C. § 101.
- On September 18, 2024, Evolution served infringement contentions.
- On November 12, 2024, L&W served invalidity contentions asserting that the asserted claims of the '014 patent are invalid under §§ 101, 102, 103, and 112. L&W also alleged in its contentions that the '014 patent is unenforceable. L&W also served responsive non-infringement contentions. EX2018.
- On December 3, 2024, Evolution served validity contentions spanning 328 pages responding to each of L&W's invalidity and unenforceability contentions. EX1010.
- On February 11, 2025, the district court granted L&W's motion to dismiss with respect to whether the asserted claims of the '024, '014, and '371 patents were patent ineligible under § 101. The court dismissed the patent infringement claims without prejudice and granted Evolution leave to amend. EX1022.

- On April 9, 2025, the parties (attorneys and corporate representatives) along with a magistrate judge engaged in a day-long settlement conference to settle the dispute. No settlement was reached. EX2021.
- On April 10, 2025, Evolution filed a First Amended Complaint reasserting the '024, '014, and '371 patents and providing additional factual allegations regarding patent eligibility. EX1023. That same day, Evolution filed a motion for leave to file a Second Amended Complaint to add claims that L&W infringes two additional patents.
- On May 15, 2025, L&W filed another motion to dismiss arguing that the asserted claims are invalid under § 101.
- On May 23, 2025, Evolution served supplemental infringement contentions on L&W.
- On June 30, 2025, the Court granted Evolution leave to file its Second Amended Complaint and Evolution filed it that same day. EX2017.
- On August 6, 2025, L&W served supplemental non-infringement and invalidity contentions raising all the same art and grounds. EX2019.
- On August 9, 2025, L&W moved to dismiss the second amended complaint, arguing the patents are all invalid under § 101. That motion is still pending. EX2024.

In addition, the parties have made progress on document production and written discovery. The parties agreed on ESI procedures and custodians, and made document productions. L&W has served 19 interrogatories on Evolution, and Evolution has served 17 interrogatories on L&W. The case is well beyond the early stages and the parties have expended significant resources and effort moving

the case toward trial. The investments by the parties and the court favor denial of this IPR.

### **3. There Is Substantial Overlap in Issues Raised in the Petition and Litigation**

There is substantial overlap between the issues L&W has raised in its IPR petition and in the litigation. In its invalidity contentions, L&W proposed hundreds of grounds combining system art with patents and printed publications, which are not subject to estoppel under § 315(e). *Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354, 1366 (Fed. Cir. 2025). L&W’s combination of system art with patent and printed publications was clearly by design to negate the effects of both § 315(e) and its *Sotera* stipulation. L&W’s efforts to preserve its ability to raise the same art and arguments in both the IPR and the litigation weighs in favor of discretionary denial. *Dialect*, IPR2025-00659, Paper 12 (denying institution, noting that parallel district court case involved the same claims of the same patents and the invalidity contentions significantly overlapped with the IPR proceeding).

In its sprawling district court invalidity contentions, L&W identified a large number of anticipation and obviousness grounds. L&W identified 31 primary references including the same three references at issue in this IPR (Kido, Yee, Barron). EX2018, 6-7; EX2019, 7-10. L&W proposes combining each of those 31 primary references with any other primary reference (496 combinations), and further provides 10 pages of “exemplary” obviousness combinations including 2,

3, and 4 reference combinations. EX2018, 8-9, 18-36; EX2019, 9, 19-37 . The result is that L&W has proposed thousands of possible combinations.

Significantly, L&W proposes numerous combinations that include *system art* which are not subject to estoppel under § 315(e). *Ingenico*, 136 F.4th at 1366 (“IPR estoppel does not preclude a petitioner from relying on the same patents and printed publications as evidence in asserting a ground that could not be raised during the IPR, such as that the claimed invention was known or used by others, on sale, or in public use”). Thus, this IPR will not significantly simplify invalidity issues in district court.

For example, L&W has proposed combining alleged prior art systems *with nearly every reference it identified*, including the Kido, Yee, and Baron references it asserts in this IPR. L&W proposes combining Kido, Yee, and Baron with three different systems: Double Ball Roulette, Jumbo Roulette with Random Pay, and Back2Back Roulette.<sup>4</sup> EX2019, 8-10, 22, 23. It proposes additional combinations that add in a third or fourth reference. *E.g.*, EX2018, 23 (“Kido 853 in view of any of the references cited in Section II.C.3.b, in further view of any of the references

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<sup>4</sup> L&W also stated that it intended to subpoena companies to uncover additional prior art systems. EX2019, 6; EX2018, 6. That may result in additional combinations based on system art.

cited in Section II.C.3.c”), 32 (§ II.C.3.b. listing 20 references, including two systems), 33 (§ II.C.3.c. listing 9 references, including one system). All told, L&W proposed hundreds of invalidity grounds that include alleged prior art systems that it can pursue in court regardless of the outcome of this IPR.

Because L&W has used system art to preserve its ability to raise challenges based on patents and printed publication in court, this IPR will not simplify invalidity. The Office has found discretionary denial appropriate where “Petitioner’s invalidity arguments in the district court... include combinations of the prior art asserted in these proceedings with unpublished system prior art,” and thus, the IPR would not simplify the litigation. *Shenzen Tuozhu Tech. Co., Ltd v. Stratasys, Inc.*, IPR2025-00354, Paper 11 (June 12, 2025). It should do the same here.

Likewise, L&W’s *Sotera* stipulation is effectively a nullity in view of the numerous combinations including system art. *Shenzen*, IPR2025-00354, Paper 11 (finding combinations involving system art effectively rendered *Sotera* stipulation moot). In its stipulation, L&W stated only that it “will not pursue as to the challenged claims any ground raised or that reasonably could have been raised during the IPR.” EX2026. L&W thus retains the ability to raise grounds that combine system art with patents and printed publications. The Director has expressly cautioned against “g[iving] too much weight to [a] *Sotera*[ ] stipulation,”

particularly in scenarios such as the one here where the petitioner’s invalidity theories are “expansive” and include “unpublished system prior art.” *See Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 24 (Mar. 28, 2025) (reversing institution). This IPR will not simplify the invalidity issues to be resolved in the litigation, nor will it resolve invalidity with respect to the Kido, Baron, and Yee references asserted in this IPR. Thus, it would be a waste of the Board’s resources to consider L&W’s petition.

#### **4. The Court Likely Will Not Grant a Stay**

On August 11, 2025, the court stayed fact discovery until January 16, 2026, in view of L&W’s pending motion to dismiss the patent claims under § 101 and of the fact that L&W has not filed an answer. The stay was entered at both parties’ request to give the court time to rule on L&W’s motion to dismiss, so that fact discovery can proceed on all of the patent and trade secret claims together, rather than in piecemeal fashion. Under the terms of the stay, the parties will confer on and submit for the court’s consideration a proposed case schedule by January 30, 2026, for any claims that remain at that time. EX2025.

Before granting the parties most recent request to stay discovery for a few months, the court had rejected three previous requests to stay or extend deadlines. EX2020, 4 (“Defendants do not carry their burden of demonstrating their Motion

to Dismiss is potentially dispositive of the entire case and, for this reason, the Court finds a stay of discovery is not supported”); EX2022; EX2023.

While the court granted a few months of discovery stay to give it time to decide the motion to dismiss, the court is not likely to grant a further stay pending the IPRs because the IPRs will not simplify the litigation and will not be dispositive of the entire case. *See* EX2020, 4. As explained in the previous section, L&W’s invalidity contentions include hundreds of grounds based on system art such that the IPR will not significantly simplify the issues before the court. Thus, a stay on the basis of the IPRs is unlikely.

#### **5. No Trial Date Has Been Set**

The case has been stayed until January 16, 2026, and there currently is no trial date. However, given the parties’ investment in the district court litigation, this fact “does not outweigh the efficiencies gained by avoiding parallel proceedings in this instance because of the parties’ meaningful investment in the district court proceeding.” *Advanced Micro Devices*, IPR2025-00223, Paper 9. As the Office has recognized, parallel proceedings are “an inefficient use of [the Board’s] time and resources.” *NHK Spring*, IPR2018-00752, Paper 8 at 11.

**6. “Other Circumstances” Weigh in Favor of Discretionary Denial: The District Court Previously Dismissed the ’014 Patent Claims under § 101**

The district court previously issued a substantive order about the ’014 patent under § 101. Where a “district court has issued substantive orders related to the patent at issue in the petition, this fact favors denial.” *Fintiv*, IPR2020-00019, Paper 11 at 9-10. In addition, where the court’s prior substantive order relates to patent eligibility under § 101, that fact can also be relevant to discretionary denial. *Hulu*, IPR2024-1252, Paper 27.

Although the district court’s grant of L&W’s motion to dismiss under § 101 was made without prejudice, L&W has focused heavily on that order in its most recent motion to dismiss to argue the claims are unpatentable. For example, L&W argues for dismissal again because “[t]he Court has already dismissed the original three patents once under *Alice*.” EX2024, 1. It argues that “Evolution’s [Second Amended Complaint] does not change the *Alice* analysis,” EX2024, 2, and “[i]n granting L&W’s first motion to dismiss, the Court correctly concluded at *Alice* step one that ‘the ’014 patent is directed to an abstract idea,’” *id.*, 12. In addition to the litigation, L&W also believes the court’s prior order is relevant to this IPR petition: on the very first page of the Petition, L&W states that “the district court has already held the patent ‘invalid under *Alice*.’” Pet. 1.

Under L&W’s view of the significance of the court’s prior order regarding § 101, the Office should deny this IPR. Where a court has found the challenged claims to be patent ineligible, the Office typically denies the petition because it is an inefficient use of the Office’s resources to consider additional invalidity grounds. *Hulu*, IPR2024-1252, Paper 27; *Highlevel, Inc. v. Etison LLC*, IPR2025-00235, Paper 11 at 6 (Director June 2, 2025) (denying institution “[b]ecause the District Court already found the claims invalid under... § 101 in the parallel litigation”); *Google LLC v. TJTM Technologies, LLC*, IPR2025-00586, Paper 12 (August 14, 2025) (“Because the challenged claims have already been found to be invalid under § 101, it is not an efficient use of Board resources to review them for patentability under other grounds”).

Even when the court’s § 101 decision finding ineligibility is not final (*e.g.*, is still subject to appeal), the Office has denied institution. *Hulu*, IPR2024-1252, Paper 27; *Highlevel*, IPR2025-00235, Paper 11 at 6. In *Hulu* and *Highlevel*, the petitioners argued against denial of the IPR because the district court’s § 101 finding was subject to appeal, and if the Federal Circuit reversed, the remanded case would involve invalidity under § 102 and § 103. The Office still concluded denial was appropriate. The Office explained that if the § 101 decision were reversed, the petitioner could still raise § 102 and § 103 grounds in the litigation, and thus would not be prejudiced by denial of the IPR. *Hulu*, IPR2024-01252,

Paper 27 at 2-3; *Highlevel*, IPR2025-00235, Paper 11 at 6. The Office concluded that in view of the court’s substantive ruling on § 101, it would not be an efficient use of Office resources to consider those IPRs. *Hulu*, IPR2024-01252, Paper 27 at 2-3; *Highlevel*, IPR2025-00235, Paper 11 at 6.

The *Hulu* and *Highlevel* cases are analogous to the scenario here, where the court’s dismissal of the patent claims under § 101 was made without prejudice and thus was not final. Although the court may deny L&W’s most recent motion to dismiss, L&W has strenuously argued otherwise. On balance, this weighs in favor of discretionary denial. It would be a waste of the Board’s resources to consider the merits of L&W’s IPR based on speculation that the court will find differently about § 101 in the future. L&W is not prejudiced by denial of the IPR because it raised the same § 102 and § 103 grounds (and thousands more) in the litigation, and it could continue to pursue those there if the court denies L&W’s latest motion to dismiss.

**C. Discretionary Denial Is Appropriate Because the Patent and Trade Secret Misappropriation Claims Should Be Considered Together**

The dispute between the parties stems from L&W’s copycat product that it launched after terminating its exclusive license and misappropriating Evolution’s trade secrets. The patent infringement and trade secret misappropriation disputes are related and involve significant overlapping facts as they both stem from

L&W’s launch of a copycat product. In addition, L&W generally engaged in unfair dealings with Evolution, taking a license to the ’014 patent, terminating the license without making even one table for Evolution, and then instead launching an infringing product. *Tessell*, IPR2025-00322, Paper 14 (“the Office may consider unfair dealings as a factor when determining whether to exercise discretion to deny institution”). For both efficiency and fairness, the Office should deny the petition and allow the district court to resolve the entire dispute regarding L&W’s unfair dealings with Evolution. *See* Interim Processes for PTAB Workload Management (Mar. 26, 2025) (parties may raise “any other considerations” relevant to the exercise of discretionary denial); <https://www.uspto.gov/patents/ptab/faqs/interim-processes-workload-management> (recognizing that some “questions are better resolved in an Article III court”). Evolution agreed to seek a few months stay of fact discovery in court for exactly this reason—so that all of the patent and trade secret claims can proceed together efficiently, rather than in piecemeal fashion.

Where parties are involved in related litigation that includes both patent infringement and trade secret misappropriation claims, the Office has found that such circumstances can favor discretionary denial. For example,

[The challenged patent] issued over 10 years ago, and Petitioner subsequently developed a competing product without challenging this patent. Additionally, Petitioner filed its Petition after Patent Owner

filed a trade secret misappropriation suit against Petitioner in district court, which did not [initially] involve the challenged patent...

These circumstances favor discretionary denial... In addition, the parties are engaged in related litigation, and there is a persuasive argument that the filing of the Petition may be inappropriate here.

*Sig Sauer*, IPR2025-00410, Paper 13 at 2. Similarly, L&W was aware of the '024 patent in 2020 and the '014 patent in 2021, but developed and released a competing product in 2021 (and again in 2023) without challenging the '014 patent's validity. The parties are involved in related litigation about L&W's RouletteX product, which both infringes the '014 patent and was developed using Evolution's trade secrets. Like in *Sig Sauer*, L&W's belated attempt to challenge the '014 patent's validity after developing a competing product and after being sued for trade secret misappropriation is inappropriate.

L&W has filed this IPR as a last-ditch attempt to prevent the court and a jury from hearing about this part of L&W's wrongdoing. L&W's litigation-driven argument in its petition that the '014 patent claims were obvious and do not cover anything new flies in the face of the history of the parties' relationship and of the industry's reception of Lightning Roulette. In 2021, L&W itself recognized that Lightning Roulette was unique and a huge success. L&W described the game as "a truly unique roulette experience for players" with its "big-win multipliers." EX2017, ¶34; EX2008. Eager to benefit from Lightning Roulette's success, L&W

agreed to work with Evolution to develop a table-version of the game and it took a license to the '014 patent.

L&W's eagerness to get involved with Lightning Roulette was consistent with the industry's reception of the game. As explained in §§ I and II.B above, after its launch Evolution's Lightning Roulette quickly gained popularity among players and became the largest and most profitable roulette game in the world. EX2017, ¶¶14, 16, 18-23. In recognition of Lightning Roulette's innovative nature, the gaming industry awarded Evolution several prestigious awards, including Product Innovation of the Year at the 2018 Global Gaming Awards, Product Innovation of the Year at the 2018 Global Gaming Expo (G2E), Game of the Year at the EGR Operator Awards in 2018, and Game of the Year at the American Gambling Awards in 2022. EX2017, ¶¶18-23; EX2005 to EX2010. This objective evidence, among other things, demonstrates that L&W's arguments in its petition lack merit.

Like in *Sig Sauer*, L&W's IPR petition is not an appropriate way to resolve the parties' dispute. The district court and a jury are better situated to resolve the parties' *entire* dispute, not just a portion of it. Because the trade secret misappropriation claims and patent infringement claims stem from the same underlying events, both will require the court and jury to consider L&W's RouletteX product and how it works L&W's prior exclusive license to the patents,

and how Evolution's Lightning Roulette product works, which is covered by the asserted patents. It would be a better and more efficient use of the Board's resources to deny institution and allow the district court to resolve all of the invalidity challenges (including those based on system art, § 112, and § 101) along with the issues relating to L&W's misappropriation of Evolution's trade secrets.

## **V. Conclusion**

Accordingly, Evolution requests that the Director deny the petition.

Dated: August 25, 2025

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with the type-volume limitations of 37 C.F.R. §42.24, because it contains 8,360 words (as determined by the Microsoft Word word-processing system used to prepare the brief).

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of August, 2025, copies of this Patent Owner's Request for Discretionary Denial have been served on the following counsel of record for Petitioner Light & Wonder, Inc.:

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