

Kramer Levin



Jonathan S. Caplan

Partner

T 212-715-9488

F 212-715-7718

JCaplan@KRAMERLEVIN.com

1177 Avenue of the Americas

New York, NY 10036

T 212.715.9100

F 212.715.8000

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BY CM/ECF

Hon. Georgette Castner, U.S.D.J.
United States District Court
Clarkson S. Fisher Federal Building
& U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**DRAFTKINGS v. WINVIEW
IPR2026-00175
DRAFTKINGS 1048**

Re: *WinView Inc. v. FanDuel, Inc.*
Civil Action No. 21-13807-GC

WinView Inc. v. DraftKings, Inc. and Crown Gaming, Inc.
Civil Action No. 21-13405-GC

Dear Judge Castner:

We represent Plaintiff WinView Inc. in the above matters.

WinView, Defendants DraftKings Inc. (a Nevada corporation), DraftKings Inc. (a Delaware corporation), Crown Gaming Inc. (a Delaware corporation), and FanDuel, Inc., submit this Joint Status Report pursuant to the Court's September 11, 2024 order (DJ. 58) in Civil Action No. 21-13807-GB ("*FanDuel*") and parallel order (D.I. 62) in Civil Action 3:21-cv-13405 ("*DraftKings*").

Both *DraftKings* and *FanDuel* are alleged patent infringement cases in which WinView asserts four patents: U.S. Patent Nos. 9,993,730 ("730 patent"), 10,721,543 ("543 patent"), 9,878,243 ("243 patent"), and 10,806,988 ("988 patent"). On July 25, 2022, FanDuel filed petitions for *inter partes* review ("IPR") challenging the validity of certain claims of the '730 and '543 Patents. On August 3, 2022, DraftKings filed an IPR petition challenging the validity of certain claims of the '243 patent. On the parties' stipulation, the Court stayed and administratively terminated both

Hon. Georgette Castner, U.S.D.J.
United States District Court
November 12, 2024



cases “pending the final resolution of all [IPR] petitions through the final written decision” on September 20, 2022. *DraftKings*, D.I. 46; *FanDuel*, D.I. 46.

On January 29, 2024, the PTAB issued Final Written Decisions on all three IPRs, invalidating all the challenged claims of the '730, '543, and '243 patents. The '988 patent was not subject to any IPR proceedings and certain claims of the '730, '543, and '243 patents were not challenged in IPR. WinView filed a Notice of Appeal to the Federal Circuit from the PTAB's Final Written Decisions in the IPRs on March 29, 2024 and then subsequently voluntarily dismissed those appeals on June 28, 2024 and August 19, 2024. See *WinView IP Holdings LLC v. FanDuel, Inc.*, 24-1651 (CAFC), *WinView IP Holdings LLC v. FanDuel, Inc.*, 24-1652 (CAFC), and *WinView IP Holdings LLC v. DraftKings Inc.*, 24-1653 (CAFC).

The parties disagree regarding whether the Court should remove the administration termination designation and lift the stay, and schedule an initial case management conference in these cases.

Plaintiff's Proposal

In view of the final resolution of the IPRs and Federal Circuit appeals, the Court should lift the stays in these cases and schedule an initial case management conference. Upon the lifting of the stay, WinView intends to dismiss with prejudice its infringement claims based on the '730 and '243 Patents. WinView will proceed with its claims based on the '988 Patent and on the claims in the '543 Patent that were not subject to IPR.

Defendants' Proposal

DraftKings and FanDuel disagree that the Court should set an initial case management conference because there are two fully briefed motions to dismiss that remain before the Court. If the motions are granted, they would be dispositive, eliminating all future proceedings in these cases. There is no need to waste the Court's or the parties' resources with a case management conference unless and until those motions are denied.

DraftKings and FanDuel note that WinView has never demonstrated any urgency in prosecuting the cases, and within the past year has filed notices of appeal in the IPRs only to dismiss them months later, and requested a 60-day continuance before submitting this letter. Given that WinView itself has caused months of delay, it cannot show that it will be

Hon. Georgette Castner, U.S.D.J.
United States District Court
November 12, 2024



prejudiced if the Court resolves the motions to dismiss before determining whether it is necessary to set an initial case management conference.

Respectfully submitted,

s/ Jonathan S. Caplan

Jonathan S. Caplan

cc: Counsel of record (by CM/ECF)