

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DRAFTKINGS INC.
Petitioner

v.

WINVIEW IP HOLDINGS, LLC
Patent Owner

IPR2026-00175
U.S. Patent No. 11,338,189

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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I. INTRODUCTION

There is no basis for discretionary denial. The Board previously held unpatentable all challenged claims of each of Patent Owner's patents that have been the subject of *inter partes* review. The '189 patent addressed in the current petition is a later-issued patent, but its claims are just as unpatentable as those that the Board considered before. The Office's interest in consistency favors addressing the unpatentability of this later-issued patent, and none of the factors that Patent Owner has raised support discretionary denial.

Patent Owner has no settled expectations for the '189 patent, which issued less than four years ago. Patent Owner relies upon interactions with Petitioner that predate the filing of the '189 patent and therefore cannot provide any settled expectations as to that patent. In fact, the district court recently granted Petitioner's motion to dismiss Patent Owner's indirect and willful infringement allegations with prejudice in an earlier filed lawsuit because the Court found the parties' pre-suit interactions regarding certain patents failed to put Petitioner on notice of other, related patents that had not yet issued. Similarly, here, the parties' pre-suit interactions regarding certain patents failed to put Petitioner on notice of the '189 patent, which had not even been filed at the time. And Patent Owner's subsequent conduct cannot be reconciled with its claim of settled expectations. For example, Patent Owner abandoned its IPR appeals after all claims of three patents that it

initially asserted were invalidated and allowed multiple related patents to lapse for non-payment of maintenance fees.

Judicial economy also favors the Board's review of the '189 patent. The district court litigation involving the '189 patent has been stayed and has not advanced beyond the pleadings stage. Petitioner's *Sotera* stipulation ensures that there will be no duplicative litigation should the Board uphold the patentability of any challenged claim. Furthermore, it would not have served judicial economy for Petitioner to have petitioned for *inter partes* review of the '189 patent before Patent Owner asserted it in litigation last year, particularly given the sprawling size of Patent Owner's patent portfolio and the fact that Patent Owner has allowed several related patents to lapse.

Petitioner respectfully requests that the Director decline to discretionarily deny institution.

II. BACKGROUND

Patent Owner has twice sued Petitioner for patent infringement. *See WinView IP Holdings, LLC v. DraftKings Inc.*, No. 3:21-cv-013405 (D.N.J.) (asserting U.S. Patent Nos. 10,806,988, 10,721,543, 9,878,243, and 9,993,730) ("*WinView I*"); *WinView IP Holdings, LLC v. DraftKings Inc.*, No. 3:25-cv-01143 (D.N.J.)

(“*WinView IP*”) (asserting U.S. Patent Nos. 11,185,770, 11,235,237, 11,338,189, 11,451,883, 11,678,020, 11,736,771, 11,918,880, 11,951,402, and 12,005,349).¹

Patent Owner filed its first lawsuit (*WinView I*) in July 2021. Three patents asserted in *WinView I* were subject to *inter partes* review, and the Board issued final written decisions finding all challenged claims unpatentable. *DraftKings Inc. v. WinView Inc.*, IPR2022-01351, Paper 30 (Jan. 29, 2024) (finding ’243 patent claims 1, 3, 4, and 6 unpatentable); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01306, Paper 22 (Jan. 29, 2024) (finding ’730 patent claims 1, 4, 7, 28-31, 49, 57, 68, and 81 unpatentable); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01307, Paper 21 (Jan. 29, 2024) (finding ’543 patent claims 1, 2, 9, 14-16, 20, 21, 23, 24, 26, 27, 31-33, 40, 41, 43, and 49 unpatentable). Patent Owner initially appealed those decisions but subsequently abandoned those appeals. Those prior IPRs led Patent Owner to dismiss two of the four patents asserted in *WinView I*, meaningfully narrowing the issues in the case. Ex. 1057-*WinView I* Stipulation.

After the Board held Patent Owner’s challenged claims unpatentable, the district court in *WinView I* granted Petitioner’s motion to dismiss for failure to state

¹ Patent Owner has filed separate lawsuits asserting the same patents against FanDuel. See *WinView IP Holdings, LLC v. FanDuel, Inc.*, No. 3:21-cv-13807 (D.N.J.); *WinView IP Holdings, LLC v. FanDuel, Inc.*, No. 3:25-cv-01146 (D.N.J.).

a claim, which among other things dismissed Patent Owner's claims for indirect and willful infringement. *See* Ex. 1040-*WinView I* First Dismissal at 16-23. Patent Owner then filed an amended complaint alleging infringement of different claims of the '543 and '988 patents and alleging indirect and willful infringement based upon the parties' pre-suit interactions in 2019, before either of those two patents had issued. Ex. 1058-*WinView I* Third Amended Complaint. Petitioner moved to dismiss again, and the district court dismissed Patent Owner's indirect and willful infringement allegations with prejudice. Ex. 1041-*WinView I* Second Dismissal at 31. As the district court explained, the parties' pre-suit interactions failed to plausibly support Petitioner's knowledge of either the asserted patents or the alleged infringement, since neither of the asserted patents had issued at that time of the parties' interactions. Ex. 1041-*WinView I* Second Dismissal at 22-26. The '189 patent challenged in this petition is a continuation of the '988 patent at issue in *WinView I*, and the application that issued as the '189 patent had not been filed at the time of the parties' pre-suit interactions.

In February 2025, Patent Owner filed a second lawsuit (*WinView II*), asserting infringement of later-issued patents from the same patent families asserted in *WinView I*, including the '189 patent. On January 16, 2026, Petitioner filed petitions for *inter partes* review of the '189 patent and U.S. Patent No. 11,451,883, which is also at issue in *WinView II*. *See* IPR2026-00140. After Petitioner informed the

district court of these petitions, the district court *sua sponte* stayed *WinView II* pending a resolution of the petitions. *See* Ex. 1042-*WinView II* Stay. At the time that *WinView II* was stayed, Petitioner had filed a motion to dismiss, no scheduling order had been entered, and the case had not advanced beyond the pleadings stage.

III. PATENT OWNER HAS NO SETTLED EXPECTATIONS

Patent Owner cannot claim settled expectations for the '189 patent. The '189 patent is less than four years old, which weighs strongly against settled expectations. *See, e.g., Light & Wonder, Inc. v. Evolution Malta Ltd.*, IPR2025-01072, Paper 11 at 2 (Oct. 17, 2025); *Orca Security Ltd. v. Wiz, Inc.*, IPR2025-01083, Paper 10 at 2 (Oct. 17, 2025); *Geotab Inc. v. Fractus, S.A.*, IPR2025-01026, Paper 14 at 2 (Oct. 17, 2025); *Samsung Elecs. Co. v. CM HK Ltd.*, IPR2025-01023, Paper 12 at 2 (Oct. 17, 2025).

Patent Owner argues that it has settled expectations for the '189 patent based on discussions between the parties from 2019. *See* Paper 10 (“Patent Owner’s Discretionary Denial Brief”) at 3-5. But those discussions did not address the '189 patent. The application that issued as the '189 patent was not even filed at the time of the parties’ discussions in 2019. The '189 patent was filed in September 2020 and issued in May 2022—long after the parties’ discussions concluded. *See* Ex. 1001-USP189. Patent Owner may not rely on events from before the '189 patent existed to show settled expectations for that patent. Indeed, the district court recently

dismissed *with prejudice* Patent Owner's indirect and willfulness allegations for an earlier-issued patent in the same family as the '189 patent because those discussions could not have put Petitioner on notice of a patent that had not issued at the time. Ex. 1041-*WinView I* Second Dismissal at 20-21. Those same discussions could not have put Petitioner on notice of the later-filed '189 patent either.

Events that occurred after the parties' discussions in 2019 reinforce the lack of settled expectations. For example, after Patent Owner sued Petitioner for patent infringement in 2021, the Board instituted *inter partes* review of three of Patent Owner's patents and held all challenged claims unpatentable. See *DraftKings Inc. v. WinView Inc.*, IPR2022-01351, Paper 30 (Jan. 29, 2024); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01306, Paper 22 (Jan. 29, 2024); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01307, Paper 21 (Jan. 29, 2024). Indeed, Patent Owner chose not to contest the invalidity of those other challenged patents' claims when it abandoned its appeals from the Board's final written decisions. See *DraftKings Inc. v. WinView Inc.*, IPR2022-01351, Paper 32 (July 1, 2024); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01306, Paper 24 (Aug. 23, 2024); *FanDuel, Inc. v. WinView Inc.*, IPR2022-01307, Paper 25 (Aug. 26, 2024).

Patent Owner has also allowed multiple patents related to the '189 patent—including US Patent Nos. 9,233,293, 9,314,686, 9,314,701, 9,652,937, 9,501,904, and 10,556,183—to expire by refusing to pay maintenance fees. Ex. 1051-1056.

This conduct too weighs against any settled expectations by Patent Owner. *See, e.g., Ford Motor Co. v. AutoConnect Holdings LLC*, IPR2025-01342, Paper 10 at 3 (Dec. 4, 2025); *Globus Med., Inc. v. Spinelogik, Inc.*, IPR2025-00225, Paper 8 at 2 (June 12, 2025).

Patent Owner's argument that its filing of a lawsuit in 2021 involving an earlier-issued patent in the same family as the '189 patent supports settled expectations is wrong. The '189 patent had not issued at the time, and thus far the result of that first lawsuit was that *all* challenged claims of every patent addressed by the Board were held unpatentable, which undermines any settled expectations for the remainder of Patent Owner's patent portfolio. *Mercedes-Benz Group AG v. Phelan Group*, IPR2025-00413, Paper 13 at 2 (June 25, 2025) (discretionary denial not appropriate because Patent Owner's other patents were recently found unpatentable); *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00465, Paper 12 at 2-4 (July 16, 2025) (finding that Patent Owner did not have settled expectations where its other patents had been found unpatentable). It would have been a waste of party and USPTO resources for Petitioner to have challenged all 25 patents related to those in *WinView I* that issued between July 28, 2021 (when Patent Owner amended its complaint in *WinView I* to assert additional patents) and February 10, 2025 (when Patent Owner sued Petitioner for infringement of the '189 patent), let alone all 100 plus patents in Patent Owner's portfolio. Ex. 1049-WinView Families; Ex. 1050-

WinView Patent Continuity Data; Ex. 2002 ¶ 2. Thus, even if the Board finds settled expectations on behalf of Patent Owner, which it should not, those should be outweighed by consideration of judicial economy, as discussed further below.

In addition, Patent Owner mischaracterizes *Amazon.com, Inc. v. Audio Pod IP, LLC*, IPR2025-00768, Paper 15 (Aug. 14, 2025), as holding that a petitioner's knowledge of earlier related patents justifies discretionary denial of a patent that issued within five years of an IPR petition. *See* Patent Owner's Discretionary Denial Brief at 7. Not so. In *Amazon*, the Director jointly considered discretionary denial for six challenged patents where the Petitioner had prior knowledge of the patent family. Five of the six patents were at least seven years old and therefore the Director found settled expectations and discretionarily denied institution of the petitions. The Director did not suggest that a petitioner's knowledge of a patent portfolio affords settled expectations for the sixth and more recently issued patent. Instead, the Director discretionarily denied the petition as to the younger patent on the separate ground of judicial efficiency as the district court would already be considering similar validity challenges for the five other challenged patents where review was not instituted. *Amazon*, IPR2025-00768, Paper 15, at 3. Unlike *Amazon*, the '189 patent is not challenged alongside other, older patents, but rather, alongside a similarly aged patent. *See* IPR2026-00140, Ex. 1001 ('883 patent issued Sept. 20, 2022). Moreover, the case is already stayed. Ex. 1042-*WinView II* Stay. And as

discussed further below, judicial economy favors review of these recently issued patents. *Infra* Section III.

Finally, Patent Owner’s arguments with respect to patent marking are misplaced. Patent Owner refers to patent marking from 2015—which predates the ’189 patent—and it presents no evidence that the ’189 patent has ever been marked on any product. *See* Patent Owner’s Discretionary Denial Brief at 6. And in any event, Patent Owner cites no authority that constructive notice through patent marking is relevant to settled expectations. Patent Owner has presented no evidence that Petitioner was aware of the ’189 patent before Patent Owner filed its second lawsuit in 2025, and the district court’s dismissal with prejudice of Patent Owner’s indirect infringement and willfulness allegations in *WinView I* confirms that the parties’ pre-suit interactions are insufficient to provide actual knowledge. *See* Ex. 1041-*WinView I* Second Dismissal at 22. Patent Owner thus cannot claim any settled expectations based on Petitioner’s supposed actual knowledge of the ’189 patent.

The cases that Patent Owner cites (*Neural AI*, *Murata*, and *iRhythm*) are not at all analogous and involved factors not present here. *Neural AI* involved two patents, one of which was a re-issue of an earlier patent. The petitioner was sent **both** patents in 2017, and did not challenge either for eight years. *NVIDIA Corp. v. Neural AI, LLC*, IPR2025-00608, Paper 16 at 3 (July 31, 2025) (“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*). *Murata* involved patents that had been in force for more than 16 years. *Murata Mfg. Co. v. Georgia Tech Rsch. Corp.*, IPR2025-00383, Paper 14 at 2 (July 29, 2025). In *iRhythm*, one of the patents had been in force since 2012, and the petitioner was aware of it as early as 2013. *iRhythm Techs. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 3 (June 6, 2025) (“Petitioner was aware of it as early as 2013—having cited the then-pending application that issued as the challenged patent in an Information Disclosure Statement Petitioner filed in its own patent application....”). Here, by contrast, the challenged patent issued recently, Patent Owner has presented no evidence that Petitioner was aware of the ’189 patent itself before it was asserted in litigation in 2025, and the district court has already ruled that the parties’ pre-suit interactions failed to put Petitioner on notice of patents that did not exist at the time.

IV. INSTITUTION WOULD PROMOTE JUDICIAL ECONOMY

Considerations of judicial economy strongly favor the Board’s review of this petition on the merits. The parallel district court litigation involving the ’189 patent has been stayed before discovery has even begun, and there has been no meaningful investment in that parallel litigation. *See Ex. 1042-WinView II Stay*. Indeed, the

only activity that will occur while the petition is pending is a *de bene esse* deposition of an 89-year-old inventor who is in declining health.² The fact that the parallel district court litigation has been stayed at an early stage weighs strongly against discretionary denial. *See, e.g., Light & Wonder, Inc. v. Evolution Malta Ltd.*, IPR2025-01072, Paper 11 at 2 (Oct. 17, 2025); *Orca Security Ltd. v. Wiz, Inc.*, IPR2025-01083, Paper 10 at 2 (Oct. 17, 2025); *Suzhou Mojawa Intelligent Elec. Co. v. Shenzhen Shokz Co.*, IPR2025-00842, Paper 14 at 2 (Sept. 19, 2025); *Google LLC v. Sandpiper CDN, LLC*, IPR2025-00806, Paper 13 at 2 (Sept. 12, 2025). It is hard to imagine a petition that is better suited to promote judicial economy given the

² Contrary to Patent Owner's assertion, Petitioner's objection to this deposition does not demonstrate any improper effort to delay the district court litigation, which was already stayed at the time that Patent Owner first sought a *de bene esse* deposition. Petitioner's objection was based on the prejudice to Petitioner of obtaining trial testimony before discovery in the litigation has even begun. *See* Ex. 1047-Petitioner *De Benne Esse* Deposition Letter. Those same factors confirm that the interests of judicial economy would be served by proceeding with review of this petition on the merits while the district court litigation involving the '189 patent remains stayed and at an early stage.

district court's stay order before *any* investment in the parallel litigation beyond the pleadings.

Patent Owner's assertion that institution of this petition will not meaningfully simplify the parallel district court litigation is incorrect. Petitioner has entered a *Sotera* stipulation, which when combined with the statutory estoppel under 35 U.S.C. § 315(e) will foreclose re-litigation of any grounds for invalidity that were raised or could have been raised in this petition. That stipulation is broad and ensures that *inter partes* review will be a true alternative to district court litigation, as the Board's decision following institution will be fully dispositive of the invalidity grounds that were raised or could have been raised in the petition.

Patent Owner asserts that Petitioner's *Sotera* stipulation is insufficient because it does not foreclose litigating issues that could not be raised in *inter partes* review (*e.g.*, system art) or "coordinated challenges by Petitioners." Patent Owner's Discretionary Denial Brief at 16-17. But those concerns are entirely speculative and do not support discretionary denial. The parties have not yet disclosed any contentions, and so Petitioner has not yet disclosed any system art in the parallel district court litigation, let alone any art that overlaps with the issues raised in the petition. And Patent Owner's purported concern with "coordinated challenges" is unfounded. Petitioner and FanDuel are independent entities with different products

involved in separate litigation, and the mere existence of parallel litigation involving an independent third party is not a reason for denying review.

Patent Owner cites *Formycon AG v. Regeneron Pharms., Inc.*, IPR2025-00233, Paper 15 (June 2, 2025), but that case is nothing at all like the situation here. *Formycon* involved ongoing, un-stayed multi-district litigation, which already involved “substantial investment” by the parties and court, including “a two-week trial in the *Mylan* case and three other preliminary-injunction proceedings focused on validity of the [challenged patent].” *Id.* at 13-14. Those prior proceedings resulted in “a thorough 203-page decision with voluminous citations to the record evidence, including more than 50 pages addressing “a number of disputed issues that are the same or substantially similar to the disputed issues in this proceeding,” ***including one of petitioner’s prior art references***, that was already affirmed at the Federal Circuit. *Id.* at 14. Here, by contrast, there has been no such investment by the district court in any of the pending litigations, and there is thus no overlap with any issue that has been litigated or will be litigated by Petitioner.

The fact that Patent Owner has asserted other unchallenged patents in its parallel district court litigation does not diminish the benefits of the Board’s review of the petition. Between the two petitions that DraftKings filed (IPR2026-00140 and IPR2026-00175) and the petition that FanDuel filed (IPR2026-00245), the challenged patents address each of the patent families at issue in the district court

litigation, and the Board's review will therefore meaningfully narrow the issues that remain to be litigated in the district court. In fact, the '883 patent challenged in IPR2026-00140 is the only patent from its family asserted in *WinView II*, and the Board's review therefore may be dispositive of that entire family.

A petitioner is not required to challenge every asserted patent or every patent claim in *inter partes* review to advance the interests of judicial economy. For example, the petitions that resulted in the invalidation of all challenged claims of Patent Owner's patents meaningfully narrowed the issues to be litigated in *WinView I*, including the dismissal of two patents-in-suit, even if they were not fully dispositive of the litigation. *See supra* pp. 3. Here, Petitioner has challenged the asserted claim identified by Patent Owner in its complaint and all other claims in the '189 patent of similar scope, which should not leave room for further litigation of the patent in the district court. And where, as here, the underlying litigation involves many patents, the fact that the petitioner has challenged only a subset of the patents has not weighed against discretionary denial. *See Samsung Elecs. Co. v. Wilus Inst. of Stds. & Tech. Inc.*, IPR2025-00933, Paper 11 at 3 (Oct. 10, 2025) (declining to discretionarily deny where petitioner challenged fewer than all asserted patents and explaining that the Board is "better suited" than a district court for addressing invalidity in litigation involving "a large number of patents involving diverse subject matter").

The fact that the earlier-filed *WinView I* litigation involves another patent from the same family as the '189 patent is not a basis to deny review. The '189 patent is not at issue in the first lawsuit and had not issued at the time that the first lawsuit was filed. There is therefore no reason why the earlier-filed *WinView I* litigation should be an impediment to review of the later-issued '189 patent. Petitioner filed a timely petition for *inter partes* review after Patent Owner chose to file a second lawsuit asserting infringement of the '189 patent. It would not have served the interests of judicial economy had Petitioner challenged the entirety of Patent Owner's patent portfolio, which now encompasses over 100 patents. Ex. 2002 ¶ 2. Indeed, Patent Owner's own actions in abandoning its appeals from the prior *inter partes* review final written decisions and in allowing its related patents to lapse would have counseled against filing challenges prior to the follow-on suit.

Patent Owner's assertion that Petitioner has delayed litigating the district court cases is incorrect. Petitioner filed a timely motion to dismiss in the *WinView II* lawsuit involving the '189 patent because the allegations in the complaint were deficient in numerous respects, which the district court has not yet decided. The district court *sua sponte* stayed *WinView II* when Petitioner informed the court that it had filed *inter partes* review petitions. Ex. 1042-*WinView II* Stay. Nor did Petitioner delay filing this petition after Patent Owner asserted the '189 patent in *WinView II*. As explained above, Petitioner filed this petition before any schedule

was entered in *WinView II* and while its motion to dismiss was still pending. The timing of this petition relative to the earlier-filed *WinView I* lawsuit (which also has not advanced beyond the pleadings stage) is a consequence of the '189 patent issuing later and Patent Owner's choice to file a second lawsuit after the Board held unpatentable all challenged claims of three patents from *WinView I*.

Finally, Patent Owner's assertion that Petitioner has colluded with FanDuel to mitigate estoppel is unfounded. Patent Owner filed parallel lawsuits accusing FanDuel and Petitioner of infringing the same patents, and it is therefore not surprising that FanDuel and Petitioner have each independently filed petitions challenging Patent Owner's patents. Petitioner filed its petitions first, and the fact that FanDuel filed a petition challenging a different patent several weeks later is not evidence of collusion, particularly given that serial challenges to the same patent are disfavored. *See, e.g., Webgroup Czech Republic A.S.v. DISH Technologies LLC*, IPR2025-00467, Paper 14 at 2-3 (July 16, 2025); *Samsung Elecs. Co. v. VB Assets, LLC*, IPR2025-00868, Paper 13 at 2-3 (Sept. 12, 2025). Petitioner did not control FanDuel's decision as to which patents to challenge in IPR or what grounds to bring. Patent Owner has cited no evidence to the contrary but, instead, relies on mere speculation.

V. CONCLUSION

For the reasons above, Petitioner respectfully submits that the Director should deny Patent Owner's request for discretionary denial and allow institution of an *inter partes* review to cancel claims 14-15, 17, 19-20, 22-26, 31, 33-35, 37, and 38 of the '189 patent.

Respectfully Submitted,

Dated: April 21, 2026

/Zachary A. Nemptzow/
Zachary A. Nemptzow, Backup Counsel
Registration No. 81,444

UPDATED TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,338,189 (“USP189”)
1002	Declaration of Dr. Henry Houh
1003	U.S. Patent No. 7,614,944 to Hughes et al. (“Hughes”)
1004	[Reserved]
1005	U.S. Patent No. 5,813,913 to Berner et al. (“Berner”)
1006	U.S. Patent No. 8,538,563 to David Barber (“Barber”)
1007	File History of U.S. Patent 11,338,189 (“FH189”)
1008	U.S. Pat. No. 4,592,546 to Fascenda and Lockton (“Fascenda”)
1009	Brody James Ruihley, <i>The Fantasy Sport Experience: Motivations, Satisfaction and Future Intentions</i> (2010) (“Ruihley”)
1010	Michael Trippiedi, <i>Daily Fantasy Sports Leagues: Do You Have the Skill to Win at These Games of Chance?</i> , 5 UNLV Gaming L.J. 201 (Fall 2014) (“Trippiedi”)
1011	Ray Vichot, <i>History of Fantasy Sports and its Adoption by Sports Journalists</i> , Newsgames (Jan. 2, 2009, at 7:47 AM), https://web.archive.org/web/20111003143620/http://newsgames.gatech.edu/blog/2009/01/history-of-fantasy-sports-and-its-adoption-by-sports-journalists.html (“Vichot”)
1012	Jim Hu, <i>Sites See Big Season for Fantasy Sports</i> , CNET (Aug. 8, 2003, at 4:00 AM PT), https://www.cnet.com/culture/sites-see-big-season-for-fantasy-sports/ (“Hu”)

Exhibit	Description
1013	Lee K. Farquhar, Robert Meeds, <i>Types of Fantasy Sports Users and Their Motivations</i> , J. Computer-Mediated Comm., July 2007, https://academic.oup.com/jcmc/article/12/4/1208/4582982 (“Farquhar”)
1014	Michael Harmon, <i>The SAVVY Guide to Fantasy Sports</i> (2005) (“Harmon”)
1015	Microsoft, Computer Dictionary (5 th ed., 2002) (“Microsoft”), https://burmastarrecords.wordpress.com/wp-content/uploads/2009/12/microsoft_computer_dictionary__fifth_edition1.pdf
1016	Paul Coulton et al., <i>Creating Entertainment Applications for Cellular Phones</i> , ACM Computers in Entertainment, July 2005 (“Coulton”)
1017	File History of U.S. Patent No. 11,918,880 (“FH880”)
1018	File History of U.S. Patent No. 11,951,402 (“FH402”)
1019	Notice of Petitioner’s <i>Sotera</i> Stipulation (“Stipulation”)
1020	[Reserved]
1021	[Reserved]
1022	[Reserved]
1023	[Reserved]
1024	[Reserved]
1025	[Reserved]
1026	[Reserved]

Exhibit	Description
1027	[Reserved]
1028	[Reserved]
1029	[Reserved]
1030	[Reserved]
1031	[Reserved]
1032	[Reserved]
1033	[Reserved]
1034	[Reserved]
1035	[Reserved]
1036	[Reserved]
1037	[Reserved]
1038	[Reserved]
1039	[Reserved]
1040	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 79 (D.N.J. July 11, 2025) (“ <i>WinView I</i> First Dismissal”)
1041	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 128 (D.N.J. Mar. 17, 2026) (“ <i>WinView I</i> Second Dismissal”)
1042	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:25-cv-01143, Dkt. No. 58 (D.N.J. Jan. 21, 2026) (“ <i>WinView II</i> Stay”)

Exhibit	Description
1043	Engine Gaming and Media Holdings, Inc. (Form 20-F/A) (Dec. 29, 2022) (“Engine Media Disclosure”)
1044	Assignment from WinView, Inc. to WinView IP Holdings, LLC (“WinView IP Holdings Assignment”)
1045	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 2:21-cv-013405, Dkt. No. 1 (D.N.J. July 7, 2021) (“ <i>WinView I</i> Complaint”)
1046	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 7 (D.N.J. July 28, 2021) (“ <i>WinView I</i> Amended Complaint”)
1047	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:25-cv-01143, Dkt. No. 61 (D.N.J. Mar. 9, 2026) (“Petitioner <i>De Bene Esse</i> Deposition Letter”)
1048	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 63 (D.N.J. Nov. 12, 2024) (“ <i>WinView I</i> Stay Letter”)
1049	Reproduction of WinView patent families, produced with data from USPTO Patent Center (“WinView Families”)
1050	WinView patent continuity data sourced from USPTO Patent Center (“WinView Patent Continuity Data”)
1051	U.S. Patent No. 9,233,293 status sourced from USPTO Patent Center (“‘293 Patent Status”)
1052	U.S. Patent No. 9,314,686 status sourced from USPTO Patent Center (“‘686 Patent Status”)
1053	U.S. Patent No. 9,314,701 status sourced from USPTO Patent Center (“‘701 Patent Status”)

Exhibit	Description
1054	U.S. Patent No. 9,652,937 status sourced from USPTO Patent Center (“937 Patent Status”)
1055	U.S. Patent No. 9,501,904 status sourced from USPTO Patent Center (“904 Patent Status”)
1056	U.S. Patent No. 10,556,183 status sourced from USPTO Patent Center (“183 Patent Status”)
1057	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 67 (D.N.J. Dec. 16, 2024) (“ <i>WinView I</i> Stipulation”)
1058	<i>WinView IP Holdings, LLC v. DraftKings Inc.</i> , No. 3:21-cv-013405, Dkt. No. 84 (D.N.J. Aug. 11, 2025) (“ <i>WinView I</i> Third Amended Complaint”)

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2026, I caused a true and correct copy of the foregoing materials:

- Petitioner’s Opposition To Patent Owner’s Request For Discretionary Denial Of Institution
- Petitioner’s Updated Table of Exhibits
- Exhibits 1040-1058

to be served on Patent Owner via electronic mail to:

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Dated: April 21, 2026

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