

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

Personalized Media  
Communications, LLC,  
Plaintiff,

v.

Zynga, Inc.,  
Defendant.

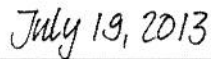
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2:12-cv-00068-JRG

EXPERT REPORT OF  
MARK CLAYPOOL, Ph.D.



Mark Claypool, Ph.D.



Date

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Figure 22: Player data modified by player input (CastleVille)

**'717 Claim 3:** *The method of claim 1, wherein said subscriber input modifies said subscriber specific data.*

CastleVille modifies player-specific data (such as a resource counter stored in the local game state) when the player's input causes those resources to change. For example, after a purchase, the player has additional resources. Figure 22 shows a screen shot of CastleVille, where the resource indicators (14 "crowns", here) are shown highlighted with a red circle at the top part of the screen. The amount of crowns changes in response to player input, such as purchases.

#### 12.2.5. Claim 4 ('717, CastleVille)

A user of CastleVille directly infringes Claim 4 by performing the method steps on a personal computing device. Zynga indirectly infringes Claim 4 by inducing and contributing to the direct infringement of its users. Zynga directly infringes Claim 4 by testing and demonstrating CastleVille.

**'717 Claim 4:** *The method of claim 1, wherein said information content comprises a commercial.*

CastleVille receives information content that includes a commercial for the resources. For example, Figure 23 shows a screen shot of CastleVille with the small, blue circles at the top



Figure 23: Received content as commercial (CastleVille)

center of the screen highlighting information content that is a commercial for the player to “add coins and crowns – sale”.

In addition, as described on page 75, CastleVille will show cross promotional material, in the form of advertisements and rewards for other Zynga games.

#### 12.2.6. Claim 5 ('717, CastleVille)

A user of CastleVille directly infringes Claim 5 by performing the method steps on a personal computing device. Zynga indirectly infringes Claim 5 by inducing and contributing to the direct infringement of its users. Zynga directly infringes Claim 5 by testing and demonstrating CastleVille.

**'717 Claim 5:** *The method of claim 4, wherein said commercial is stored at said receiver station prior to said step of delivering.*

The commercial in Claim 4 is stored locally, in either memory or disk, prior to delivery of the commercial.

#### 12.2.7. Claim 6 ('717, CastleVille)

A user of CastleVille directly infringes Claim 6 by performing the method steps on a personal computing device. Zynga indirectly infringes Claim 6 by inducing and contributing to the di-





Figure 25: Delivering commercial based on a schedule – seasonal (CastleVille)

### 12.2.9. Claim 9 ('717, CastleVille)

A user of CastleVille directly infringes Claim 9 by performing the method steps on a personal computing device. Zynga indirectly infringes Claim 9 by inducing and contributing to the direct infringement of its users. Zynga directly infringes Claim 9 by testing and demonstrating CastleVille.

**'717 Claim 9:** *The method of claim 4, wherein said commercial is selected from a plurality of commercials based on said subscriber specific data.*

CastleVille selects which commercial to display from among many choices based on player-specific data. For example, in the screen shot in Figure 19 on page 78 CastleVille selected the commercial to purchase more “crowns” where there were other choices. Figure 26 shows CastleVille screen shots of the “crowns” commercial on the left along with a “coins” commercial on the right.

In addition, as described on page 75, CastleVille will show cross promotional material from a plurality of choices, showing advertisements and rewards for other Zynga games.



Figure 26: Delivering commercial from a plurality of commercials (CastleVille)

## 13. CityVille

*CityVille* is a social, city-building, simulation-style game released by Zynga in 2010. The goal of *CityVille* is to develop a city by constructing buildings and farms, using rent collected and other resources to do so.

*CityVille* runs in Adobe Flash player and is playable in a Web browser. Zynga provides *CityVille* as a browser-based game to its users via social networking websites and via the [Zynga.com](http://Zynga.com) Website. *CityVille* infringes on claims in patents '638 (Section 13.1) and '717 (Section 13.2).

*CityVille Hometown* is a version of *CityVille* for the iOS (iTouch, iPhone and iPad). *CityVille Hometown* is a separate game from *CityVille* – towns created in one game cannot be accessed from towns created in another. For the rest of this report, the name *CityVille* always refers to the Web browser version, while *CityVille Hometown* always refers to the mobile device version. *CityVille Hometown* infringes on claims in patents '131 (Section 13.3), '251 (Section 13.4) and '717 (Section 13.5).

### 13.1. Patent '638 (CityVille)

#### 13.1.1. Claim 1 ('638, CityVille)

The players of Zynga's games are subscribers. They request the game, and they then view and experience the personalized programming that results from playing the game.

A player of *CityVille* directly infringes Claim 1 by performing the method steps on a personal computing device. Zynga indirectly infringes Claim 1 by inducing and contributing

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