UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RELOADED GAMES, INC.
Petitioner

v.

PARALLEL NETWORKS LLC
Patent Owner

Case No. TBD
Patent 7,188,145

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 7,188,145

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I. INTRODUCTION

Petitioner Reloaded Games, Inc. ("Petitioner") requests an Inter Partes Review ("IPR") of claims 1-36 (collectively, the "Challenged Claims") of U.S. Patent No. 7,188,145 (the "'145 Patent") issued on March 6, 2007 to Keith A. Lowery, et al. ("Applicants"). **Exhibit 1001**, *'145 Patent*.

II. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104

Each requirement for IPR of the '145 Patent is satisfied under §42.104.

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioner certifies that the '145 Patent is available for IPR and that the Petitioner is not barred or estopped from requesting IPR challenging the claims of the '145 Patent. Specifically, Petitioner states: (1) Petitioner is not the owner of the '145 Patent; (2) Petitioner has not filed a civil action challenging the validity of any claim of the '145 Patent; (3) this Petition is filed less than one year after the Petitioner was served with a complaint alleging infringement of the '145 Patent; and (4) this Petition is filed more than nine months after the '145 Patent issued and the '145 Patent was not the subject of a post-grant review.

B. Identification of Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

In view of the prior art, evidence, and claims charts, claims 1-36 of the '145 Patent are unpatentable and should be cancelled. 37 C.F.R. § 42.104(b)(1).

1. The Grounds For Challenge

Based on the prior art references identified below, IPR of the Challenged Claims should be granted. 37 C.F.R. § 42.104(b)(2).

Proposed Statutory Rejections for the '145 Patent	Exhibit No.
Claims **1-28 and 35** are **anticipated** under §102(e) by Tiwana.	**1004, 1005**
Claims **1, 8-9, 11-15, 22-23, and 24-28** are **anticipated** under § 102(e) by Smith.	**1006**
Claims **2-4, 6-7, 10, 16-18, 20-21, 24, and 29-36** are **obvious** under § 103(a) over Smith in view of Inohara.	**1006, 1007**
Claims **29-36** are **obvious** under §103(a) over Tiwana in view of Inohara.	**1004, 1005 and 1007**

Section IV identifies where each element of the Challenged Claims is found in the prior art patents. 37 C.F.R. § 42.104(b)(4). The exhibit numbers of the supporting evidence relied upon to support the challenges are provided above and the relevance of the evidence to the challenges raised are provided in Section IV. 37 C.F.R. § 42.104(b)(5). **Exhibits 1001 – 1010** are also attached.

2. Claim Construction Under 37 C.F.R. § 42.104(b)(3)

a) Broadest Reasonable Interpretation of the Claims

A claim subject to IPR receives the "broadest reasonable construction in light of the specification of the patent in which it appears." 37 C.F.R. § 42.100(b). For purposes

of IPR only, Petitioner submits that all terms of the '145 Patent claims should be given their ordinary and customary meaning that the term would have to one of ordinary skill in the art[1], subject to the following constructions:

i) ***"CRMSG_REQUESTTOJOIN," "CRMSG_UPDATEPEERLIST," and "CRMSG_WAKEUP" Data Messages***

Claims 3, 17, 31, and 34 require the join request comprises a "CRMSG_REQUESTTOJOIN" or "CRMSG_REQUESTTOJOTN" data message. Claims 6 and 20 require the allow message comprises a "CRMSG_UPDATEPEERLTST" or "CRMSG_UPDATEPEERLIST" data message. Claims 30 and 33 require "the community request comprises a CRMSG_WAKEUP data message." The '145 patent describes these specific data message types as being part of the "Dynamic Reef Protocol (DRP)." **Ex. 1001** at 27:61-28:17. During the original prosecution, the Examiner found that a data message conveying each of a request to join a group, an updated peer list, and a community request satisfies the claimed "CRMSG_REQUESTTOJOIN," "CRMSG_UPDATEPEERLIST," and "CRMSG_WAKEUP" messages, respectively. *See, e.g.,* **Ex. 1008**, *'145 File History* at May 16, 2006 Office Action, pp. 9, 11, 13. Petitioner disagrees with the original

[1] The claim construction analysis is not a concession by Petitioners as to the proper scope of any claim term in any litigation. These assumptions are not a waiver of any argument in any litigation that claim terms are indefinite or otherwise invalid.

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