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 <u>not</u> the owner of the '145 Patent; (2) Petitioner has <u>not</u> filed a civil action challenging the validity of any claim of the '145 Patent; (3) this Petition is filed <u>less</u> than one year after the Petitioner was served with a complaint alleging infringement of the '145 Patent; and (4) this Petition is filed <u>more</u> than nine months after the '145 Patent issued and the '145 Patent was not the subject of a postgrant 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) | 1006 |
| by Smith. | |
| Claims 2-4 , 6-7 , 10 , 16-18 , 20-21 , 24 , and 29-36 are obvious under § | 1006, 1007 |
| 103(a) over Smith in view of Inohara. | |
| Claims 29-36 are obvious under §103(a) over Tiwana in view of | 1004, 1005 |
| Inohara. | 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 art¹, 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 "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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