

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

505 GAMES, ACTIVISION, CAPCOM, DISNEY, ELECTRONIC ARTS, BANDAI
NAMCO, RIOT GAMES, SONY, SQUARE ENIX, TAKE-TWO, AND UBISOFT
Petitioners

v.

BABBAGE HOLDINGS, INC.
Patent Owner

Case No. TBD
Patent 5,561,811

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 5,561,811

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I. INTRODUCTION

Pursuant to the provisions of 35 U.S.C. §§ 311-319, and 37 C.F.R. § 42.100, Petitioners¹ request an *Inter Partes* Review (“IPR”) of claim 7 (the “Challenged Claim”) of U.S. Patent No. 5,561,811 (the “‘811 Patent”) issued on October 1, 1996 to Eric A. Bier (“Applicant”) and resulting from application serial number 07/974,044 that was filed on November 10, 1992. **Exhibit 1001**, ‘811 Patent. According to Patent Office records, the ‘811 Patent is currently assigned to Babbage Holdings, LLC (“Babbage” or “Patent Owner”).

II. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(A)

Petitioners certify that the ‘811 Patent is available for IPR and that Petitioners are not barred or estopped from requesting IPR challenging any claim of the ‘811 Patent.

¹ Petitioners include 505 Games (U.S.), Inc. (“505 Games”); Activision Blizzard, Inc. and Blizzard Entertainment, Inc. (collectively, “Activision”); Capcom U.S.A., Inc. (“Capcom”); The Walt Disney Co., Disney Interactive Studios, Inc., and LucasArts, a division of Lucasfilm Entertainment Company Ltd. LLC (collectively, “Disney”); Electronic Arts Inc. (“Electronic Arts”); BANDAI NAMCO Games America, Inc. and BANDAI NAMCO Holdings USA Inc. (collectively, “Bandai Namco”); Riot Games, Inc. (“Riot Games”); Sony Computer Entertainment America LLC (“Sony”); Square Enix, Inc. and Square Enix of America Holdings, Inc. (collectively, “Square Enix”); Take-Two Interactive Software, Inc., Rockstar Games, Inc., 2KSports, Inc., and 2K Games, Inc. (collectively, “Take-Two”); Ubisoft, Inc. (“Ubisoft”).

Specifically, Petitioners state that: (1) no petitioning party owns the ‘811 Patent; (2) no petitioning party has filed a civil action challenging the validity of any claim of the ‘811 Patent; and (3) this Petition is filed less than one year after each petitioning party was served with a complaint alleging infringement of the ‘811 Patent.

III. IDENTIFICATION OF CHALLENGE UNDER 37 C.F.R. § 42.104(B) AND RELIEF REQUESTED

Petitioners ask that the Patent Trial and Appeal Board (“the Board”) review the accompanying prior art and analysis, find that there is a reasonable likelihood that Petitioners would prevail as to the sole claim challenged, institute *inter partes* review of the Challenged Claim, and ultimately cancel the Challenged Claim as unpatentable over prior art under 35 U.S.C. §§ 102/103 in view of one or more of the references and/or combinations of references identified below:

Ground Number	Proposed Statutory Rejections for the ‘811 Patent
1	Claim 7 is obvious under § 103(a) by U.S. Patent No. 5,548,304 to Yoshino et al. (“Yoshino”) (Exhibit 1002) in view of U.S. Patent No. 5,157,384 to Greanias et al. (“Greanias”) (Exhibit 1003). Yoshino was filed on August 16, 1990, issued on August 20, 1996, and qualifies as prior art to the ‘811 Patent under § 102(e). Greanias was filed on April 28, 1989, issued on October 20, 1992, and qualifies as prior art to the ‘811 Patent under §§ 102(a) and 102(e).
2	Claim 7 is obvious under §103(a) by “Idea Management In a Shared Drawing Tool,” Proceedings of the Second European Conference in Computer-Supported Cooperative Work, Iva M. Lu and Marilyn M. Mantei (“Lu”) (Exhibit 1004) in view of Greanias. Lu was published on

Ground Number	Proposed Statutory Rejections for the '811 Patent
	or about September 25-27, 1991, and qualifies as prior art to the '811 Patent under § 102(b).
3	Claim 7 is anticipated under § 102(a) by Battle Dodge Ball for Super Famicom game manual (“Dodge Ball”) (Exhibit 1005). Dodge Ball was published on July 20, 1991, and qualifies as prior art to the '811 Patent under § 102(b). ²

Section VI identifies where each element of the Challenged Claim is found in the prior art references. 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 V. 37 C.F.R. § 42.104(b)(5). **Exhibits 1001–1019** are also attached. In further support of this Petition, Petitioners

² **Ex. 1008**, Translation of Weekly Famicom Tsushin (“Weekly Famicom”), provides evidence that Dodge Ball was released on July 20, 1991. Weekly Famicom is a Japanese language weekly periodical focusing on the Super Famicom video game platform. Both on its face, and in the bottom right corner of the back cover, Weekly Famicom indicates that it was published on August, 16, 1991. On the second page, Battle Dodge Ball is listed third in the “Top 20” video games for the Super Famicom platform. Weekly Famicom further notes that Battle Dodge Ball was released on July 20, 1991 (“on sale 7/20”). This release date is consistent with the Dodge Ball manual, which indicates a 1991 publication. *See Ex. 1005*, Dodge Ball at 2 (“1991 MADE IN JAPAN”).

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