

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GAMELOFT, INC.  
Petitioner

v.

INVENTOR HOLDINGS, LLC  
Patent Owner

---

Case No. TBD  
Patent No. 8,784,198

---

**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 8,784,198**

TABLE OF CONTENTS

<b>I. INTRODUCTION .....</b>	<b>1</b>
<b>II. SUMMARY OF THE ‘198 PATENT .....</b>	<b>1</b>
<b>III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104 .....</b>	<b>1</b>
A. Grounds for Standing Under 37 C.F.R. § 42.104(a) .....	1
B. Identification of Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested .....	2
1. The Grounds For Challenge .....	2
2. Level of Skill of a Person Having Ordinary Skill in the Art .....	2
3. Claim Construction Under 37 C.F.R. § 42.104(b)(3) .....	3
(a) locked outcome .....	3
(b) unlock code .....	4
(c) receive/receiving a signal comprising an unlock code .....	5
(d) determine/determining an intra-game benefit associated with the unlocked outcome .....	6
(e) intra-game benefit .....	7
<b>IV. THERE IS A REASONABLE LIKELIHOOD THAT THE CLAIMS OF THE ‘198 PATENT ARE UNPATENTABLE .....</b>	<b>7</b>
A. Schneier Anticipates Claims 1-5, 7-10, 12, 14-23, 25-30, and 32-33 .....	7
1. CM Unlocks Game Enhancements, Modifications, and Advancements .....	9
2. AUM Unlocks Game Play .....	20
3. ACAM/Stored Credits Unlock Game Play and Advancements .....	29
4. Handicapping Codes Unlock Game Modifications .....	39
5. ASTM Unlocks Game Play and Modifications .....	46
B. Schneier in view of Uskela Renders Claims 12-13, 30-31 Obvious .....	52
C. Schneier in view of Roskowski Renders Claims 6 and 24 Obvious .....	54
D. Schneier in view of Allen Renders Claim 11 Obvious .....	56
E. Claims 3 and 22 are Obvious in view of Schneier Alone .....	59
<b>V. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8.....</b>	<b>59</b>
<b>VI. CONCLUSION .....</b>	<b>60</b>

## **I. INTRODUCTION**

Gameloft, Inc. (“Petitioner”) requests an *Inter Partes* Review (“IPR”) of claims 1-33 (collectively, the “Challenged Claims”) of U.S. Patent No. 8,784,198 (“the ‘198 Patent”) issued on July 22, 2014. Ex. 1001, ‘198 Patent.

## **II. SUMMARY OF THE ‘198 PATENT**

The ‘198 patent was filed Jan. 4, 2013. After all claims were rejected for nonstatutory obviousness-type double patenting and a Terminal Disclaimer was filed, all claims were allowed. The ‘198 patent issued Jul. 22, 2014. Ex. 1002, ‘198 Patent FH. The ‘198 patent describes a method and apparatus for conducting and distributing promotions to potential participants and for allowing participants to receive benefits associated with the promotions. Ex. 1001 at 1:28-32. The disclosed system includes a controller or other central source, an intermediary device and a user device. *Id.* 6:18-28, 11:31-36, Fig. 1. The disclosed controller generates an outcome that is locked. *Id.* at 6:18-28, 12:48-49. The ‘198 patent describes that an unlock code can be used to unlock the outcome. *Id.* at 14:19-25, 6:18-28. Once unlocked, the user can determine or see a result of the outcome or a prize, benefit, value, symbol, etc. associated with the outcome. *Id.* at 5:25-31.

## **III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104**

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

Petitioner certifies that the ‘198 Patent is available for IPR and that the Petitioner is not barred or estopped from requesting IPR because Petitioner: (1) is

not the owner of the ‘198 Patent; (2) has not filed a civil action challenging the validity of any claim of the ‘198 Patent; and (3) this Petition is filed less than one year after the Petitioner was served with a complaint alleging infringement.

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

**1. The Grounds For Challenge**

Proposed Statutory Rejections for the ‘198 Patent
Claims 1-5, 7-10, 12, 14-23, 25-30, and 32-33 are anticipated under §102(b) or rendered obvious under §103(a) by U.S. Patent No. 5,768,382 to Schneier, et al. (“Schneier”) [Ex. 1003]
Claims 12-13, 30-31 are rendered obvious by Schneier in view of U.S. Pat. No. 8,002,617 to Uskela, et al. (“Uskela”) [Ex. 1004]
Claims 6 and 24 are rendered obvious by Schneier in view of U.S. Pat. No. 5,624,316 to Roskowski, et al. (“Roskowski”) [Ex. 1005]
Claim 11 is rendered obvious by Schneier in view of U.S. Pat. No. 6,041,216 to Allen (“Allen”) [Ex. 1006]

Section IV identifies where each element of the Challenged Claims is found in the prior art patents and the relevance of the supporting evidence, including attached Exhibits 1001-1009. 37 C.F.R. § 42.104(b)(4) and (5).

**2. Level of Skill of a Person Having Ordinary Skill in the Art**

A person having ordinary skill in the art at the time of the application to which ‘198 Patent claims priority (February 18, 2000) would have had at minimum a bachelors degree in electrical engineering or computer science or a related field,

or two or more years of software programming experience. Ex. 1007, *Declaration of Michael Zyda* (“*Zyda Decl.*”) at ¶17.

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

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). Unless otherwise noted below, Petitioner proposes, for purposes of IPR only, that the claim terms of the ‘198 Patent are presumed to take on their ordinary and customary meaning that the term would have to one of ordinary skill in the art. The claim construction analysis is not, and should not be viewed as, a concession by Petitioner 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 in the ‘198 Patent are indefinite or otherwise invalid or unpatentable.

#### **(a) locked outcome**

According to the ‘198 patent, an “outcome” “may be a symbol, value, prize identifier or indicator, etc.” Ex. 1001, ‘198 patent at 12:48-49; *see also id.* at 12:49-67, 7:27-44. An “outcome” can be associated with a “specific prize or benefit,” or it may have a “value, symbol, or other identifier associated with it, such as a picture of a cherry or orange, the number ‘4,’ an alphanumeric prize identifier, etc.” *Id.* at 4:39-47. According to American Heritage Dictionary, 4<sup>th</sup> ed., an “outcome” is a “a result; consequence.” Ex. 1008, *American Heritage*.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.