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Paper 9
Date: April 25, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTOCRAT TECHNOLOGIES, INC.,
Petitioner,

v.

NEXRF CORP.,
Patent Owner.

IPR2022-00408
Patent 8,747,229 B2

Before LYNNE H. BROWNE, FREDERICK C. LANEY, and TIMOTHY G. MAJORS, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Granting Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. 42.122

I. INTRODUCTION

A. Background

On January 6, 2022, Aristocrat Technologies, Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting an *inter partes* review of claims 1, 6, 7, 9, 14, 15, 17, 22, and 23 of U.S. Patent No. 8,747,229 (Ex. 1001, "the '229 patent"). Concurrently, Petitioner filed a Motion for Joinder seeking to be joined as a party to *Playtika Ltd. and Playtika Holding Corp. v. NexRF Corp.*, IPR2021-00951 ("the *Playtika* IPR"). Paper 3 ("Mot."). NexRF Corp. ("Patent Owner") has not filed a Preliminary Response to the Petition and, according to Petitioner, does not oppose the Motion for Joinder.[1] Ex. 3001. We have authority and jurisdiction under 35 U.S.C. §§ 6, 314 and 37 C.F.R. § 42.4.

For the reasons discussed below, we determine institution of *inter partes* review is warranted on the same grounds instituted in the *Playtika* IPR, and grant Petitioner's Motion for Joinder.

B. Real Parties-in-Interest

Petitioner identifies as the real parties-in-interest itself, Aristocrat International Pty Ltd., Big Fish Games, Inc., and Product Madness, Inc. Pet. 72. Patent Owner identifies as the real party-in-interest itself, Michael Kerr, Marie Martin, David Steward, Lars Perry, and Richard Schultz. Paper 7, 1.

C. Related Matters

The parties identify *NexRF Corp. v. Playtika Ltd.*, Case No. 3:20-cv-603 (D. Nev., Oct. 26, 2020) as related district court litigation. Pet. 73; Paper 7, 1. Patent Owner also identifies *NexRF Corp. v. DoubleU Games*

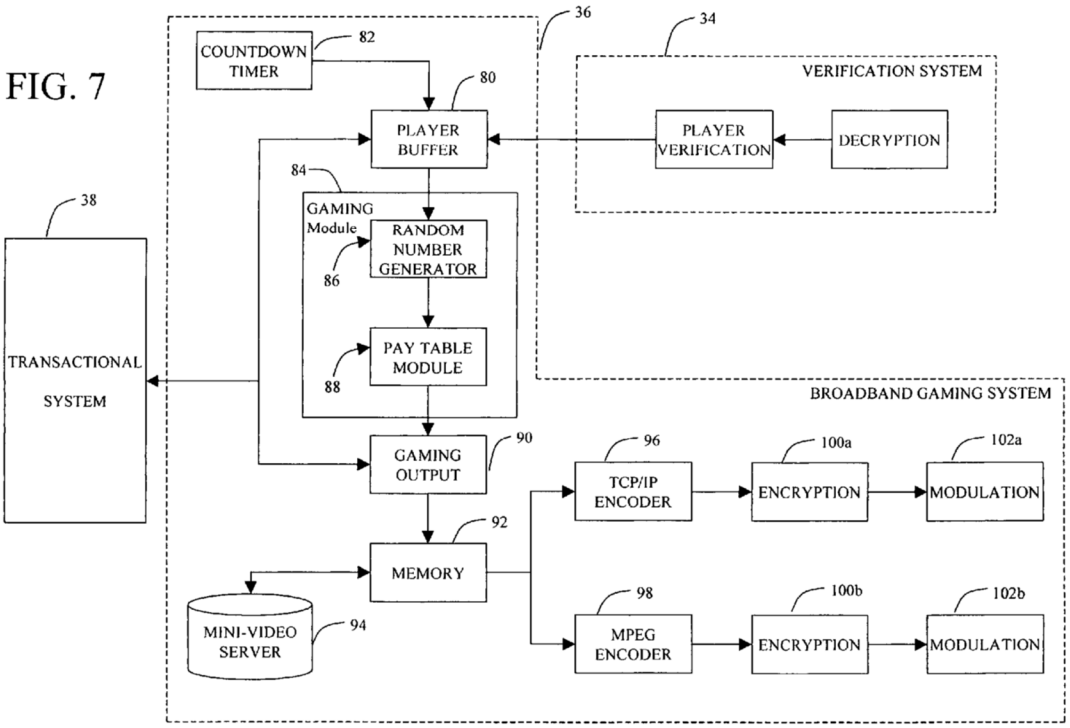
[1] We note that Patent Owner did not file an Opposition to the Motion for Joiner.

Co., Ltd., Case No. 2:20-cv-01875 (W.D. Wash., Dec. 31, 2020), *NexRF Corp. v. Aristocrat International Pty Ltd.*, Case No. 2:21-cv-00798 (W.D. Wash., June 11, 2021), *NexRF Corp. v. Playtika Ltd.*, Case No. 21-2147 (Lead) and 21-2219 (Member) (Fed. Cir., July 19, 2021) as related litigation. Paper 7, 1–2.

D. The '229 Patent

The '229 patent is titled "Gaming System Network and Method For Delivering Gaming Media." Ex. 1001, code (54), 1:1–3 (emphasis omitted). Figure 7, reproduced below, shows a block diagram of a broadband gaming system. *Id.* at Fig. 7, 5:51.

FIG. 7



As shown in Figure 7 above, Broadband gaming system 36 (represented by an "L" shaped dashed box in the center of Figure 7) communicates with transactional system 38 represented a rectangular box on the left side of Figure 7) and with verification system 34 (represented by a dashed

rectangular box in the upper right hand corner of Figure 7). *Id.* at Fig. 7, 9:42–43. Verification system 34 includes a decryption module (not labeled, represented by a rectangular box) which sends data to a player verification (not labeled, represented by a rectangular box). *Id.* at Fig. 7.

As further shown in the image above, broadband gaming system 36 includes player buffer 80, countdown timer 82, gaming module 84 (which includes random number generator 86 and pay table module 88), gaming output module 90, memory 92, mini-video server 94, TCP/IP encoder 96, encryption module 100a, modulation module 102a, MPEG encoder 98, encryption module 100b, and modulation module 102b. Ex. 1001, Fig. 7, 9:42–10:50. Except for mini-video server 94, which is represented by a cylinder, the modules in the broadband gaming system are all represented by rectangular boxes. *Id.* at Fig. 7. Countdown timer 82 is located at the upper left corner of the "L" shaped box representing the broadband gaming system. *Id.* Player buffer 80 is located below and to the right of countdown timer 82. *Id.* Random number generator 86 is located directly below player buffer 80 with pay table module 88 below it. *Id.* Gaming output 90 is located below pay table 88 with memory 92 located below it. *Id.* Mini-video server 94 is located below and to the right of memory 92 at the lower left corner of "L" shaped box 36. *Id.* Broadband gaming system 36 also includes two rows of three rectangular boxes to the right of memory 92. *Id.* The upper row (from left to right) shows TCP/IP encoder 96, encryption module 100a, and modulation module 102a. *Id.* The lower row (from left to right) shows MPEG encoder 98, encryption module 100b, and modulation module 102b. *Id.*

Single headed arrows in the image above indicate the flow of data from countdown timer 82 and the unlabeled player verification module to

player buffer 80. Ex. 1001, Fig. 7. A double headed arrow represents two-way communication between player buffer 80 and gaming output module 90 and a single headed arrow indicated the flow of data from player buffer 80 to random number generator 86. *Id.* Single headed arrows also indicate the flow of data from random number generator 86 to pay table module 88, from pay table module 88, to gaming output 90, and from gaming output 90 to memory 92. *Id.* A two headed arrow indicates two-way communication between memory 90 and mini-video server 94. *Id.* Single headed arrows indicate the flow of data from memory 92 to TCP/IP encoder 96, from TCP/IP encoder 96 to encryption module 100a, encryption module 101a to modulation module 102a, from memory 92 to MPEG encoder 98, from MPEG encoder 98 to encryption module 100b, and from encryption module 100b to modulation module 102b. *Id.*

E. Illustrative Claim

Independent challenged claim 1 is reproduced below with bracketed labels indicating Petitioner's identifiers:

> 1. [1p] A gaming server system configured to communicate with at least one network access device communicatively coupled to a network, the gaming server system comprising:
>
> [1a] a verification system configured to access a registration database having a plurality of registration data associated with each registered user;
>
> [1b] a memory module configured to store a plurality of images corresponding to at least one game outcome that are communicated to the at least one network access device;
>
> [1c] a centralized gaming server communicatively coupled to each of the at least one network access device, the centralized gaming server configured to generate at least one random game outcome by random generation at the centralized gaming server;

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