

**IN THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF  
TEXAS WACO DIVISION**

IGT and IGT CANADA SOLUTIONS ULC,

Plaintiff,

vs.

ZYNGA INC.,

Defendant.

Case No. 6:21-cv-00331-ADA

**ZYNGA INC.'S PRELIMINARY CLAIM CONSTRUCTIONS**

Pursuant to the Court's Order Governing Proceedings ("OGP") and the Scheduling Order entered on September 27, 2021, Defendant Zynga, Inc. ("Zynga") hereby sets forth the following list of preliminary claim constructions. To the extent that any term appears in a dependent claim of any of the claims identified, Zynga proposes construing the term in any dependent claims as well. Zynga reserves the right to add to or remove from the claim terms proposed for construction. Zynga further reserves the right to amend or supplement its produced constructions. Zynga's reservation of rights includes making amendments or supplementations in response to Plaintiffs' proposed claim constructions, as a result of the meet and confer process with Plaintiff, and/or as discovery continues.

By proposing a construction for a claim term, or failing to propose a construction for a claim term, Zynga in no way admits that construction of a particular claim term is required, not required, or possible. Zynga reserves its right to challenge the validity of claims under 35 U.S.C.

§ 112 (as well as on any other ground) not required to be raised during the claim construction process, including but not limited to invalidity based on enablement or written description.

To the extent that a term or proposed construction is not identified below, Zynga does not waive the right to seek constructions of any claim terms (including indefinite or previously identified terms) if it becomes apparent that claim construction is, in fact, needed or required because Zynga and Plaintiffs dispute the claim construction of any such terms. *See generally O2 Micro Int'l Ltd. v. Monolithic Power Sys., Inc.*, 467 F.3d 1355 (Fed. Cir. 2006).

Based on the information currently available, Zynga proposes the following constructions for the following terms in U.S. Patent Nos. 8,708,791 (the “791 Patent”); 9,159,189 (the “189 Patent”); 7,168,089 (the “089 Patent”); 7,303,473 (the “473 Patent”); 8,795,064 (the “064 Patent”); and 8,266,212 (the “212 Patent”).

## 791 PATENT

	<b>Claim Terms and Phrases Requiring Construction in the '791 Patent</b>	<b>Proposed Construction</b>
1.	“determine instances of probable collusion between players” (claim 1)	“determining instances of likely unfair collaboration between h a game”
2.	“analyzing . . . the game play data to determine individual players’ typical gaming styles” (claim 1)	“analyzing the actions a human takes within a game to identify they play the game”
3.	“providing playing card hands as a single image of fanned-out playing cards” (claim 5)	“transmitting one image that depicts all of the cards in multiple in a fanned-out formation, as distinct from an image in which c individually replaced”
4.	“displayed as one image” (claim 7)	“displaying one image that depicts the entire screen of game pl including player input areas, as distinct from separate images t individually replaced”

## 189 PATENT

	<b>Claim Terms and Phrases Requiring Construction in the '189 Patent</b>	<b>Proposed Construction</b>
1.	“establishing” and “re-established” “communications link” and “communications link failure” (claims 1, 10)	“communications link failure” <ul style="list-style-type: none"><li>- “breaking an active communication li</li></ul> “establishing” and “re-established” “commu <ul style="list-style-type: none"><li>- “to set up an active communication li with the previous active communicati</li></ul>
2.	“stationary gaming terminal” (claims 1, 10)	“a licensed stationary gaming machine locate jurisdiction in which the mobile gaming devi distinct from an internet server”
3.	“conveying to the player that the game is presently occurring” (claims 1, 10)	Indefinite
4.	“award” (claims 1, 10)	“prize to be paid to the player”

## 089 PATENT

	<b>Claim Terms and Phrases Requiring Construction in the '089 Patent</b>	<b>Proposed Construction</b>
1.	“gaming machine” (all asserted claims)	“a special purpose machine like a slot machine, not a general purpose computer”
2.	“gaming software” (all asserted claims)	“instructions that are executed to run a game, as distinct from data”
3.	“software authorization agent” (all asserted claims)	“a device that authorizes (that is approves or transfers of gaming software based on application monitors (that is tracks) these transfers”
4.	“gaming software transaction request” (claim 84)	“a request that is for the download of certain
5.	“approves/approval” (claims 84 and 85)	“an instruction that gives permission to the fi transfer the requested gaming software to the device”
6.	“validating the gaming software download request” (claim 28)	Indefinite
7.	“the gaming transaction information” (claim 31)	Indefinite for lack of antecedent basis

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