

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

In the Post Grant Review of:)
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U.S. Patent No.: 10,583,362)
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)
)
For: CHANGING BATTLE CARD)
GAME CONDITIONS DURING)
DIFFERENT TERMS)
)

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF STEVE MERETZKY
IN SUPPORT OF PETITION FOR POST GRANT
REVIEW OF U.S. PATENT NO. 10,583,362

I, Steve Meretzky, declare as follows:

I. INTRODUCTION

1. I have been asked by the party requesting this review, Supercell Oy (“Petitioner”), to provide my expert opinion in support of the above-captioned petition for post grant review of U.S. Patent No. 10,583,362 (the “‘362 patent”) challenging the patentability of claims 1-27 of the ‘362 patent. For convenience, I use the term “challenged patent” to refer to this patent and “challenged claims” to refer collectively to the claims.

2. I currently hold the opinions set forth in this declaration.

3. In summary, it is my opinion that the challenged claims of the challenged patent are invalid as obvious in view of the combination of references cited below. My detailed opinions on the claims are set forth below.

II. BACKGROUND AND QUALIFICATIONS

4. I am an expert in computer game design and computer games in general. I have been designing computer games for almost forty years, since 1982. Now more than twenty years ago, I was named one of 25 “Game Gods” by the September 1999 issue of PC Gamer magazine.

5. I received a Bachelor of Science in Construction Engineering and Project Management and minor in Creative Writing from Massachusetts Institute of Technology in 1979. My career in video games began soon after graduation.

6. I designed, coded, and creatively directed dozens of games. While some examples follow here, a more complete list may be found in my CV, attached as Exhibit 1006. Early in my career, I designed, wrote, and coded adventure games for Infocom Inc., including the industry classics *The Hitchhiker's Guide to the Galaxy*, *Zork Zero*, *Planetfall*, and *Sorcerer*.

7. In 1994, I co-founded Boffo Games where I was Designer/Director of *The Space Bar* and *Hodj 'n' Podj*. I have also contributed towards game design and development in roles as consultant, game designer, content director, and vice president with companies including MicroProse, Electronic Arts, Disney, Blizzard, Hasbro, GameFX (a division of THQ), GSN Games, King, and Draft Kings.

8. As part of my experience, I have extensive experience creating and evaluating game designs and mechanics for a variety of gaming platforms including mobile, and PC. I have dealt with both "casual" games targeted to mass audiences and "hardcore" games targeted to hobbyist gamers, as well as both solo and multiplayer games. In these roles, I considered how the games address player engagement and retention and how the games influence social interactions among the players.

III. COMPENSATION AND RELATIONSHIP WITH PARTIES

9. I am being compensated for my time. This compensation is not contingent upon my performance, the outcome of this matter, or any issues involved in or related to this matter.

10. I have no financial interest in Petitioner or any related parties. I have been informed that GREE, Inc. (“GREE”) owns the challenged patent. I have no financial interest in and have no contact with GREE beyond the kinds of cursory interactions I often have with game industry professionals at conferences. I similarly have no financial interest in the challenged patent and have not had any contact with the named inventors.

IV. MATERIAL CONSIDERED

11. I have reviewed and considered, in the preparation of this declaration, the following related to the challenged patent:

- a. The ‘362 patent (Ex. 1003) and the prosecution file history for the ‘362 patent (Ex. 1004).
- b. U.S. Patent No. 10,518,177 (parent of the ‘362 patent) (Ex. 1001 “the ’362 patent”) and the prosecution file history for the ’362 patent (Ex. 1002).

12. I understand that, for purposes of determining whether a reference will qualify as prior art, the challenged claims of the challenged patent are entitled to an effective filing date of no earlier than February 25, 2014.

13. I have also reviewed and understand various references as discussed herein, including the following:

- a. “Master Hearthstone in 10 Minutes! The Ultimate Beginner's Guide” (Ex. 1011 “MH”)
- b. U.S. Patent Publication No. 2013/0281173 to Gilson et al. (Ex. 1013 “Gilson”).

14. I understand that the above references form the bases for the grounds for invalidity set forth in the Petition for Post Grant Review of the challenged patent.

15. Additionally, I am aware of information generally available to, and relied upon by, persons of ordinary skill in the art as of the effective filing date of the challenged patent (POSITAs), including computer games, technical dictionaries and technical reference materials (including, for example, textbooks, manuals, technical papers, articles, and relevant technical standards); some of my statements below are expressly based on such awareness.

16. I reserve the right to supplement my opinions to address any information obtained, or positions taken, based on any new information that comes to light throughout this proceeding.

V. THE CHALLENGED PATENT

17. The challenged patent was filed on June 19, 2019 and claims priority to a Japanese application filed on February 25, 2014.

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