

From: [Director_PTABDecision_Review](#)
To: [Morlock, Michael](#); [Director_PTABDecision_Review](#)
Cc: [Lee, Josh](#); [Rinehart, Andy](#); [Koballa, Kasey](#); [Playrix-IPRs](#); [Moore, Steve](#); [Jim Glass](#)
Subject: RE: IPR2024-00133
Date: Monday, July 29, 2024 1:03:06 PM

Counsel,

Thank you for your email. Your request to file a response to the pending Director Review Request is denied at this time. See Revised Interim Director Review Process, available at <https://www.uspto.gov/patents/ptab/decisions/revised-interim-director-review-process>, Section 5.A.ii.b (“Director Review decisions are generally made based on the existing record, without the need for responsive or amici curiae briefing. Responsive or amici curiae briefing may only be submitted if requested by the Director.”). If the Director determines that briefing is necessary, counsel will be informed.

Your email and this response will be entered into the public record. See *id.* at Section 3.G (“All communications will be entered into the record of the proceeding.”).

Thank you.

From: Morlock, Michael <MMorlock@ktslaw.com>
Sent: Tuesday, June 4, 2024 4:40 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: Lee, Josh <JLee@ktslaw.com>; Rinehart, Andy <arinehart@ktslaw.com>; Koballa, Kasey <KKoballa@ktslaw.com>; Playrix-IPRs <playrix-iprs@quinnemanuel.com>; Moore, Steve <smoore@ktslaw.com>; Jim Glass <jimglass@quinnemanuel.com>
Subject: RE: IPR2024-00133

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Dear Honorable Director Vidal,

I am lead counsel for Patent Owner Flip Phone Games Inc. in IPR2024-00133.

Patent Owner respectfully requests permission to file a Response to Petitioner’s Request for Director Review (not to exceed 5 pages) within 1-week of authorization. A brief summary of the issue to which Patent Owner seeks a Response follows.

Petitioner’s Request is premised on its claim that the Majority’s decision “improperly relies on an interpretation of the claims that relies on the subjective views of a user – specifically, on ‘what a user might know or expect.’” But this was not a basis for the Majority’s decision. The phrase “what a user might know or expect” does not appear in the Majority’s decision. Rather, the Majority denied institution because Petitioner failed to demonstrate that the prior art rendered obvious the claim

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element requiring “background” according to its “plain and ordinary meaning” – “[t]he part of a pictorial representation that appears to be in the distance and that provides relief for principal objects in the foreground.” The Majority explained that “Petitioner does not apply the prior art to the challenged claims under the ordinary meaning.” No Director Review is warranted nor required here given Petitioner’s failure to carry its burden under the plain and ordinary meaning, which Petitioner itself asserted was the applicable construction in its Petition.

Respectfully submitted,

Michael Morlock
Lead Counsel for Patent Owner

Michael Morlock

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From: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Sent: Thursday, May 30, 2024 6:11 PM

To: Jim Glass <jimglass@quinnemanuel.com>; Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Cc: Morlock, Michael <MMorlock@ktslaw.com>; Lee, Josh <JLee@ktslaw.com>; Rinehart, Andy <arinehart@ktslaw.com>; Koballa, Kasey <KKoballa@ktslaw.com>; Playrix-IPRs <playrix-iprs@quinnemanuel.com>

Subject: RE: IPR2024-00133

****CAUTION: External Email****

Counsel,

Your request for Director Review has been received for the above-referenced case. The Director will determine whether review will be granted or denied and you will be notified of the result of your request.

Thank you.

From: Jim Glass <jimglass@quinnemanuel.com>

Sent: Wednesday, May 29, 2024 8:05 PM

To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>

Cc: mmorlock@kilpatricktownsend.com; jlee@kilpatricktownsend.com;

arinehart@kilpatricktownsend.com; kkoballa@kilpatricktownsend.com; Playrix-IPRs <playrix-iprs@quinnemanuel.com>

Subject: IPR2024-00133

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Honorable Director Vidal,

I am lead counsel for Petitioner PLR Worldwide Sales Limited in IPR2024-00133. As required by the *Revised Interim Director Review Process*, Petitioner notifies the Director that Petitioner has filed a Request for Director Review of the Board's decision not to institute. A courtesy copy is attached.

As explained more fully in the Request, the Board denied institution in a rare split decision. The Majority abused its discretion here because: (1) the Majority's decision improperly relies on an interpretation of the claims that relies on the **subjective** views of a user – specifically, on “what a user might know or expect.” APJ Galligan fairly criticized the Majority's construction as “problematic,” (2) the record contains no evidence on which the Majority could rationally base its decision, and (3) the Majority did not address all of Petitioner's arguments.

Petitioner respectfully requests that the decision be vacated, and this IPR instituted.

Respectfully submitted,

James Glass
Lead Counsel for Petitioner

James M. Glass |Chair, Post-Grant Patent Practice| **Quinn Emanuel Urquhart & Sullivan, LLP** | 51 Madison Avenue, 22nd Floor, New York, NY 10010 | Office: +1.212.849.7142| [Web Bio](#)

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