

***PLR Worldwide Sales Ltd. (Petitioner) v.
Flip Phone Games Inc. (Patent Owner)***

**IPR2024-00133
U.S. Patent No. 8,688,089**

Patent Owner's Demonstratives
Wednesday, September 10, 2025

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

The '089 Patent

(12) **United States Patent**
Hartwell

US08068808B2

(12) **United States Patent**
Hartwell

(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

(75) Inventor: **Joshua Hartwell**, Santa Monica, CA (US)

(73) Assignee: **GOSUB 60, Inc.**, Santa Monica, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1341 days.

(21) Appl. No.: **11/768,890**

(22) Filed: **Jun. 26, 2007**

(65) **Prior Publication Data**
US 2009/0005003 A1 Jan. 1, 2009

(51) **Int. Cl.**
H04L 29/06 (2006.01)

(52) **U.S. Cl.**
USPC 455/414.3; 455/456.3; 455/412; 705/14.4; 463/42

(58) **Field of Classification Search**
USPC 455/422.1; 404.2; 414.1; 414.4; 41.1; 455/412; 412.1; 456.1; 457; 550.1; 556.2; 455/418-420; 570/338; 705/14.4; 463/40-42

See application file for complete search history.

(56) **References Cited**
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(10) **Patent No.:** **US 8,688,089 B2**

(45) **Date of Patent:** **Apr. 1, 2014**

(10) **Patent No.:** **US 8,688,089 B2**

(45) **Date of Patent:** **Apr. 1, 2014**

(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

(75) Inventor: **Joshua Hartwell**, Santa Monica, CA (US)

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(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

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Playrix Ex. 1001, Page 1 of 17

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1001, at 1.

Providing In-Game "Hot Spots"

FIELD OF THE INVENTION

The invention relates generally to systems and methods for providing in-game hot spots to a mobile communication device.

It is accordingly an object of the invention to provide systems and methods for providing hot spots of triggered content within the gaming environment of a mobile video game on a mobile communication device. A hot spot can be thought of as a location or item, sometimes hidden within the game, that triggers additional specialized content when activated by a user or some other in-game element. Some embodiments may prolong user interest in a game for a mobile communication device, and make promotional opportunities more predictable and/or desirable, as follows.

US08068808B2

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(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

(75) **Inventor:** **Joshua Hartwell**, Santa Monica, CA (US)

(73) **Assignee:** **GO2UB 60, Inc.**, Santa Monica, CA (US)

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(58) **Field of Classification Search**
USPC 455/422.1; 404.2; 414.1; 414.4; 41.1; 455/41.2; 412.1; 456.1; 457; 550.1; 556.2; 455/418-420; 570/338; 705/14.4; 463/40-42

See application file for complete search history.

(56) **References Cited**
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10 Claims, 7 Drawing Sheets

Playrix Ex. 1001, Page 1 of 17

Response, at 3-6.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1001, at 1:6-8, 1:60-2:2.

Problems With Existing Video Games on Mobile Devices

US00688089B2

(12) **United States Patent**
Hartwell

(10) **Patent No.:** US 8,688,089 B2
(45) **Date of Patent:** Apr. 1, 2014

(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

(75) **Inventor:** Joshua Hartwell, Santa Monica, CA (US)

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(52) **U.S. CL.**
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(58) **Field of Classification Search**
USPC 455/422.1; 404/2; 414.1; 414.4; 41.1; 455/41.2; 412.1; 456.1; 457; 550.1; 556.2; 455/418-420; 370/338; 705/14.4; 463/40-42

See application file for complete search history.

(56) **References Cited**
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PCT Notification Concerning Transmittal of International Preliminary Report on Patentability, International Application No. PCT/US 2008/068249, dated Jan. 14, 2010; 6 pgs.

(Continued)

Primary Examiner—Shard Rampuria
(74) **Attorney, Agent, or Firm**—Finnegan, Henderson, Fanbom, Garret and Dunner, L.L.P.

(57) **ABSTRACT**
Systems and methods for providing hot spots for mobile video games on mobile communication devices that receive hot spot information for mobile video games that operate on the device. The hot spots may be hidden aspects of the game and promotional in nature, allowing game companies to generate extra revenue through selling non-permanent advertisement space to third parties. The game may contain instructions that cause the mobile communication device to contact an interface and/or server to receive hot spot information. After the hot spot information is received by the mobile communication device, the content may be displayed in-game. In addition, the server may track what hot spot information has already been received by the mobile communication device.

10 Claims, 7 Drawing Sheets

Playrix Ex. 1001, Page 1 of 17

However, all video games tend to have a popularity life span. As game elements become increasingly familiar to players, the game may hold less surprises and/or no longer present a challenge to the user, at which point the user may stop playing that particular game in favor of others. Because mobile communication devices are generally less powerful than personal computers and stand-alone video game consoles, some games for mobile communication devices may be relatively simple or repetitive by comparison. Typically, games that hold user interest for longer periods of time are more valuable than games that users leave behind quickly. As a result, game creators are always looking for ways to make games that hold the user's interest for a longer period of time.

Updating "Hot Spots" Provides Solution and Key Benefits

US00688089B2

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(54) **METHODS AND SYSTEMS FOR PROVIDING IN-GAME HOT SPOTS**

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(21) **Appl. No.:** **11/768,890**

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(52) **U.S. Cl.** **455/414.3; 455/456.3; 455/41.2; 705/14.4; 463/42**

(58) **Field of Classification Search**
USPC 455/422.1; 404.2; 414.1; 414.4; 41.1; 455/41.2; 412.1; 456.1; 457; 550.1; 556.2; 455/418-420; 570/338; 705/14.4; 463/40-42

See application file for complete search history.

(56) **References Cited**
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6,528,939 B2 9/2003 Pashen 455/414.1
7,158,798 B2 1/2007 Lee et al. 455/456.3
7,575,518 B2 8/2009 Tabata 455/40
7,577,978 B1 8/2009 Wronenstahl et al. 725/113
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PCT Notification Concerning Transmittal of International Preliminary Report on Patentability, International Application No. PCT/US 2008/068249, dated Jan. 14, 2010, 6 pgs.

(Continued)

Primary Examiner—Shard Rampuria
(74) **Attorney, Agent, or Firm**—Finnegan, Henderson, Farabee, Gresham & Dummer, L.L.P.

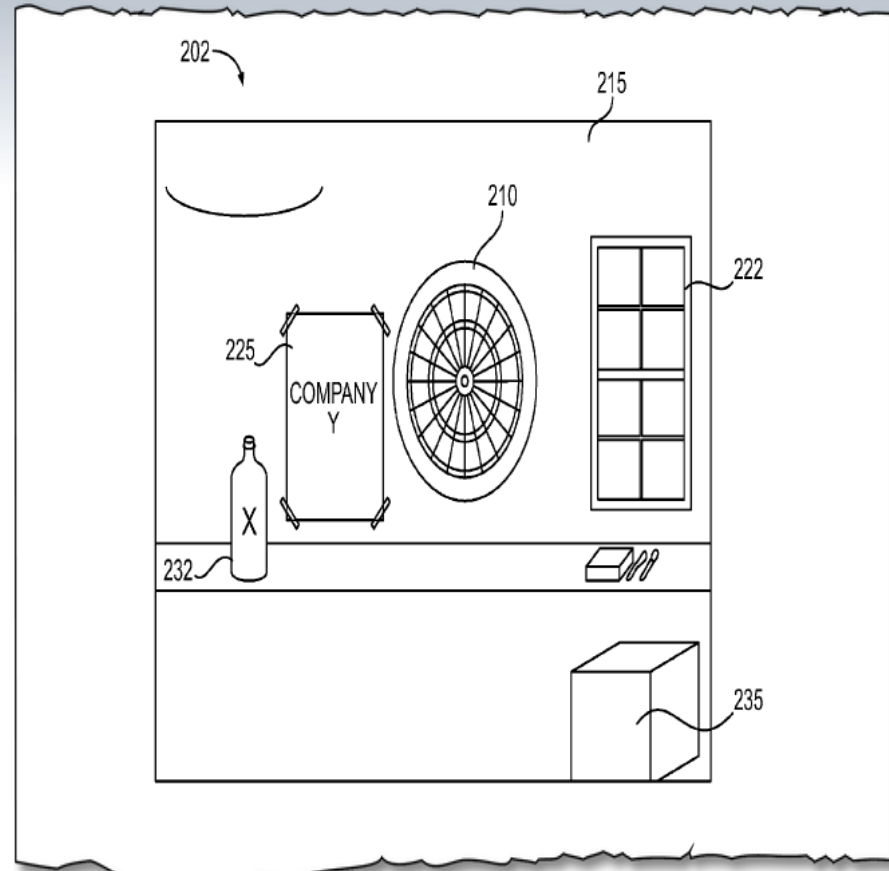
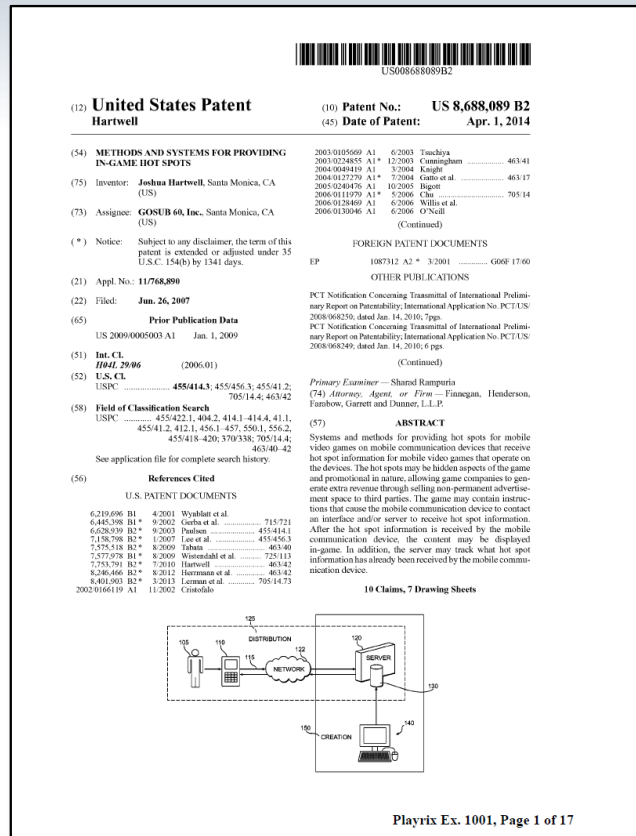
(57) **ABSTRACT**
Systems and methods for providing hot spots for mobile video games on mobile communication devices that receive hot spot information for mobile video games that operate on the device. The hot spots may be hidden aspects of the game and promotional in nature, allowing game companies to generate extra revenue through selling non-permanent advertisement space to third parties. The game may contain instructions that cause the mobile communication device to contact an interface and/or server to receive hot spot information. After the hot spot information is received by the mobile communication device, the content may be displayed in-game. In addition, the server may track what hot spot information has already been received by the mobile communication device.

10 Claims, 7 Drawing Sheets

Playrix Ex. 1001, Page 1 of 17

An embodiment of the invention described below allows a game company and/or provider to provide hot spots via hot spot information to a mobile communication device for use in a mobile video game that operates on the mobile communication device. The ability to provide hot spots and update in-game hot spot information may allow game companies to keep game elements fresh and prolong user enjoyment of the game. For example, new interactive items and/or hidden features may be placed within a particular scene in the game so that the user has something new to look at or trigger (sometimes unexpectedly). In addition, the game company may charge third-party advertisers a fee per downloaded and/or activated hot spot in one aspect. Consequently, the game may sustain its popularity and be more profitable for the game creator than existing mobile communication device games.

Updating “Hot Spots” Provides Solution and Key Benefits



Response, at 3-6.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1001, at Fig. 2B.

Exemplary Independent Claim 1 of the '089 Patent

1. A method for providing a hot spot associated with a mobile video game, the mobile video game being operable on a mobile communication device, the method comprising the steps of:

storing hot spot information on a computer-readable medium;

receiving a communication from a mobile communication device;

determining the hot spot information to provide to the mobile device based upon the communication, the hot spot information comprising:

a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and

hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated; and

uploading the hot spot information to the mobile communication device.

Claim Construction

Petitioner Concedes Ordinary and Customary Meaning Applies

73. For purposes of this declaration, I have applied the ordinary and customary meaning of the claim terms as they would have been understood to a POSITA as of the priority date of the '089 Patent, June 26, 2007. I have considered that meaning in the context of the patent and its prosecution history.

74. Based upon my review of the '089 Patent, and my based on my own knowledge, expertise, and experience in this field, the claims do not use any specialized terms that would require additional explanation or express definitions, beyond those expressly provided in the specification of the patent (namely, for the term "hot spot"). The ordinary and customary meaning of the claims and the terms used therein, read in the context of the specification, would have been understood by a POSITA.

Board Adopts Ordinary and Customary Meaning

Not finding a construction of “background” based on the intrinsic evidence, we turn to the extrinsic evidence. *See* Remand Dec. 7 (“[T]he Board should resolve the proper meaning of that term by first assessing the intrinsic evidence, and then consulting extrinsic evidence *if necessary*.” (emphasis added)). Specifically, as part of the Decision Denying Institution, we considered various dictionary definitions of the word “background.” According to those definitions, “background” refers to “[t]he part of a pictorial representation that appears to be in the distance and that provides relief for the principal objects in the foreground.” Ex. 3002 (AMERICAN HERITAGE DICTIONARY); *see also* Ex. 3003 (“the scenery or ground behind something,” “the part of a painting representing what lies behind objects in the foreground”) (MERRIAM-WEBSTER DICTIONARY). Consistent with those dictionary definitions, we construe the term “background” to mean the part of a pictorial representation that is not in the foreground.

Response, at 8-9.

Sur-Reply, at 2.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Paper 14, at 15-16.

10

Board Adopts Ordinary and Customary Meaning

Dictionary	“Background”
American Heritage Dictionary (Ex. 2008)	<i>n.</i> 1. The ground or scenery located behind something. 2a. The part of a pictorial representation that appears to be in the distance and provides relief for the principal objects in the foreground.
Merriam-Webster’s Collegiate Dictionary (Ex. 2009)	1a: the scenery or ground behind something b: the part of a painting representing what lies behind objects in the foreground
MacMillan English Dictionary (Ex. 2010)	3 [C] the part of a picture or patten that is behind the main people or things in it. The main person or thing is in the foreground.
Random House Webster’s College Dictionary (Ex. 2011)	<i>n.</i> 1. the ground or parts, as of a scene, situated in the rear (opposed to <i>foreground</i>)

Response, at 9.

Sur-Reply, at 2.

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Exs. 2008-2011.

11

Intrinsic Evidence Confirms Ordinary and Customary Meaning

The game objects described in *Chu* and cited by the Examiner for this rejection are not “non-promotional background objects.” For example, the Examiner cites to *Chu*’s “pit stop” and “treasure chest” as “non-promotional objects” (see Office Action at 4), but these objects are not “non-promotional background objects” at least because they are featured in the forefront of game play as primary objects to be manipulated or used during game play (see *Chu* at ¶¶ [0063]-[0065]). For this reason, *Chu*’s objects that can display advertisements are not “background” objects, as recited in the pending claims.

Response, at 9-10.

Sur-Reply, at 5.

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1002, at 85.

Grounds 1 & 2: Ho/Jiau

Ground	35 U.S.C.	Challenged Claims	References
1	103	1-3, 6-8	Ho, Jiau, & Choi
2	103	4-5, 9-10	Ho, Jiau, Choi & Ellis

Ho's “Interactive Information Elements”

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(25) Filing Language:
English

(26) Publication Language:
English

(71) Applicant (for all designated States except US): HONOR GAMES INTERNATIONAL PTE LTD (SGSG); 541 Orchard Road, #18-01 List Towers, Singapore 238881 (SG).

(72) Inventor:
(75) Inventor/Applicant (for US only): HO, Chee Yee (SGSG); 13 Rosewood Drive #13-26, Singapore 737940 (SG).

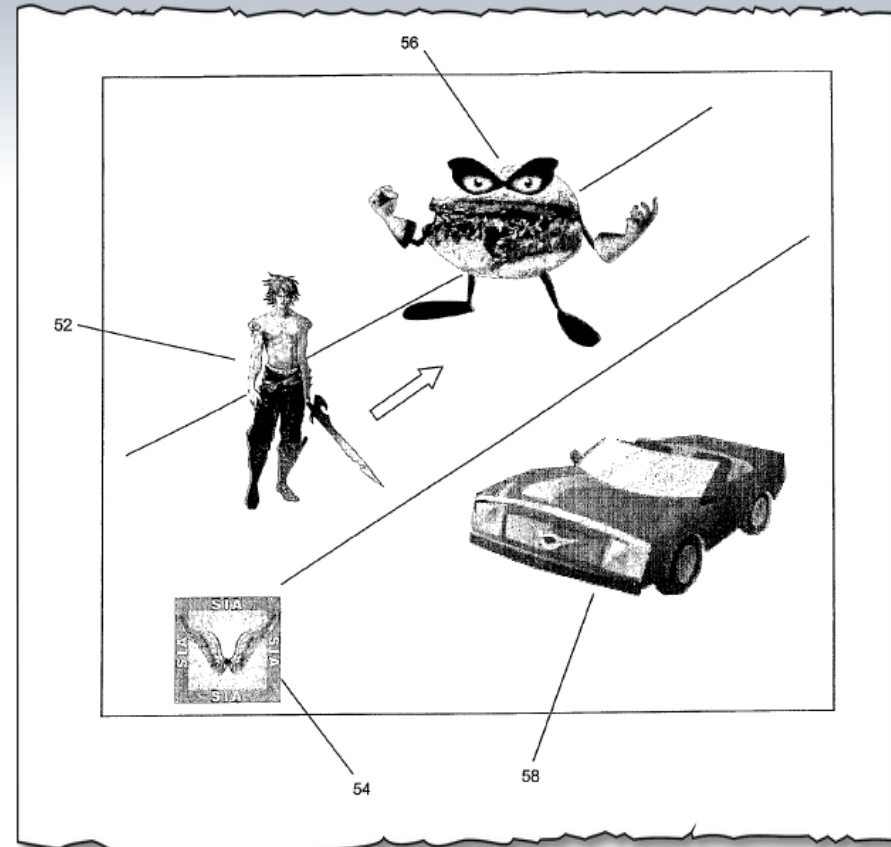
(74) Agent: SAMUEL SEOW LAW CORPORATION; 541 Orchard Road, #18-01 List Towers, Singapore 238881 (SG).

(54) Title: AN INCENTIVE-BASED VIDEO GAMING SYSTEM

(57) Abstract: There is provided a method of playing a video game with at least one interactive information element incorporated within the game. The method includes: a player manipulating a control unit to play the game in a preferred mode; and the player having an option to engage the at least one interactive information element when playing the game in the preferred mode. It is advantageous that gameplay is not disrupted when the at least one interactive information element is engaged. Preferably, engagement of the at least one interactive information element is not mandatory for continuation of gameplay. Preferably, the information element may be either advertisements or public announcement services. In another aspect of the present invention, there is provided a video game including at least one interactive information element, where gameplay is preferably not disrupted when the at least one interactive information element is engaged. Finally, there is also provided a method of incorporating at least one interactive information element into a video game, including: adding an engageable module into the video game; updating the engageable module with the at least one interactive information element; and locating the at least one interactive information element at a juncture in the video game. It is preferable that gameplay is not disrupted when the at least one interactive information element is engaged. Preferably, the engageable module may be updated either locally or from a remote source via a network. The juncture in the video game may be either a specific event in the course of the game or a specific location in the game.

WO 2008/008038 A1

Playrix Ex. 1004, Page 1 of 27



PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1004, at Fig. 3.

Independent Claim 1 of the '089 Patent

1. A method for providing a hot spot associated with a mobile video game, the mobile video game being operable on a mobile communication device, the method comprising the steps of:

- storing hot spot information on a computer-readable medium;

- receiving a communication from a mobile communication device;

- determining the hot spot information to provide to the mobile device based upon the communication, the hot spot information comprising:

 - a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and

 - hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated; and

- uploading the hot spot information to the mobile communication device.

Ho Does Not Teach “Non-Promotional Background Object”

Ho's Figure 3 is reproduced below:

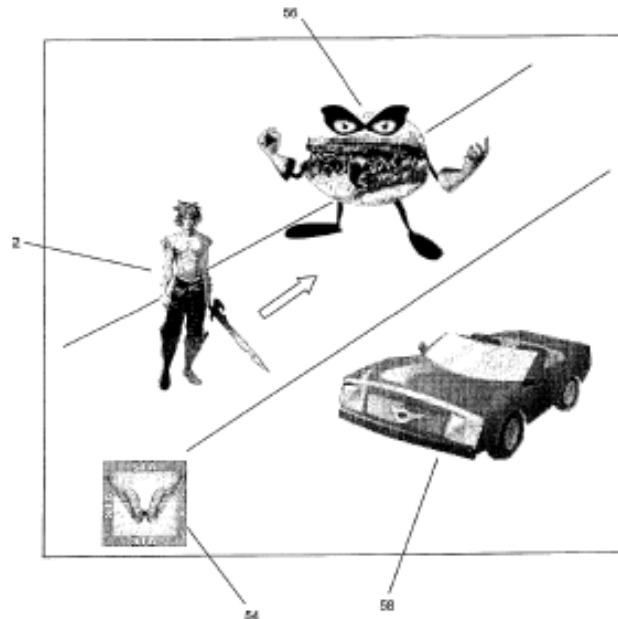


Figure 3 above is an example of the embodiment of Ho showing a wings button, a car, and a hamburger monster in the foreground. Ex. 1004, 5:1–5

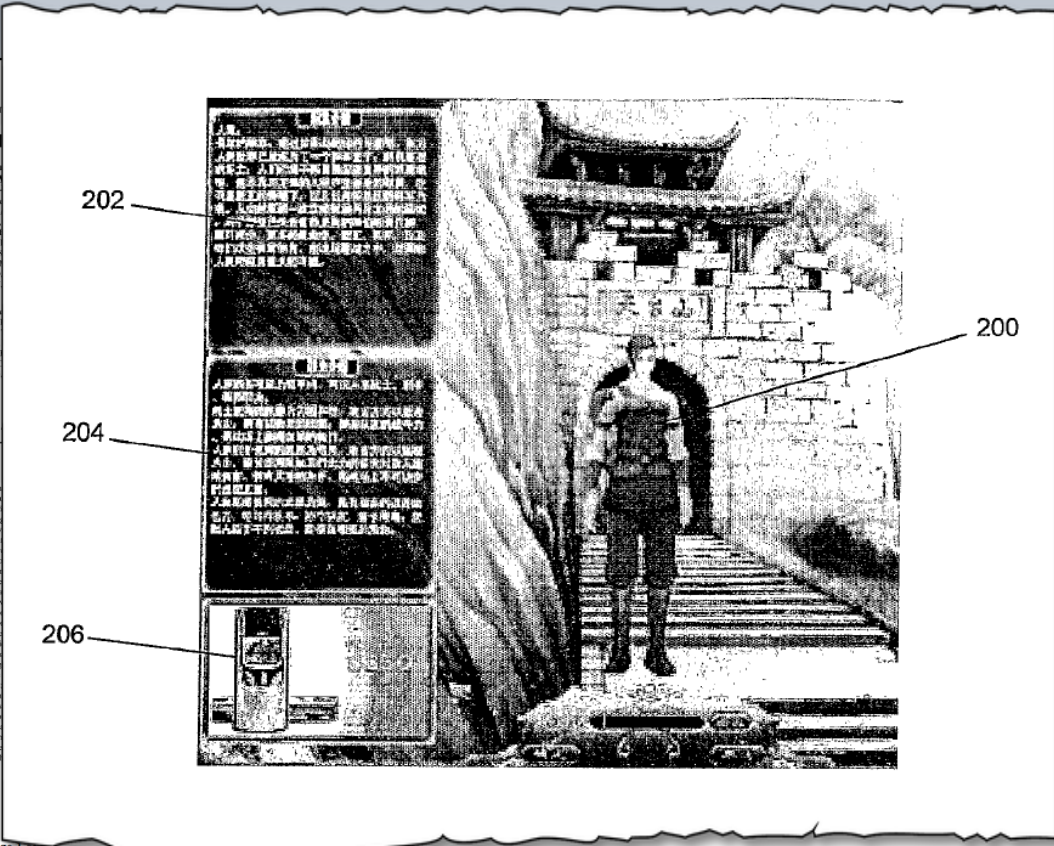
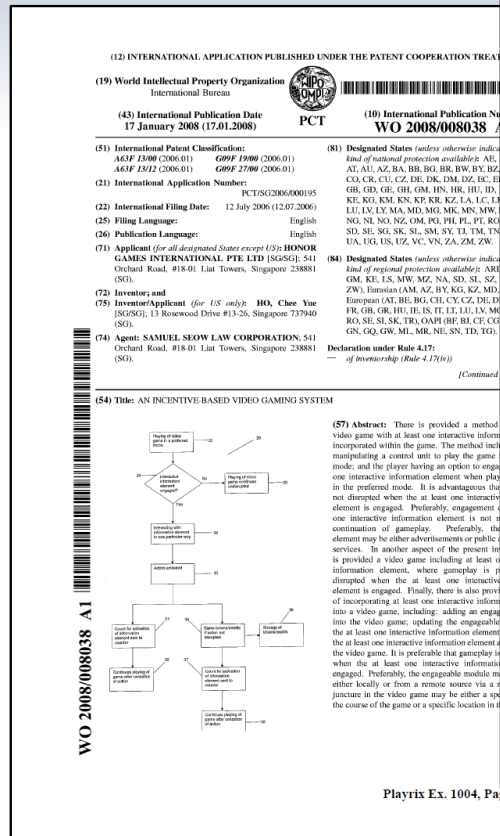
Response, at 18-24.

Sur-Reply, at 10-14.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Paper 14, at 50.

Ho Does Not Teach “Non-Promotional Background Object”



Playrix Ex. 1004, Page 1 of 2

Response, at 20.

Sur-Reply, at 11-12.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1004, at Fig. 6, 4:29-34.

Jiau's Virtual World

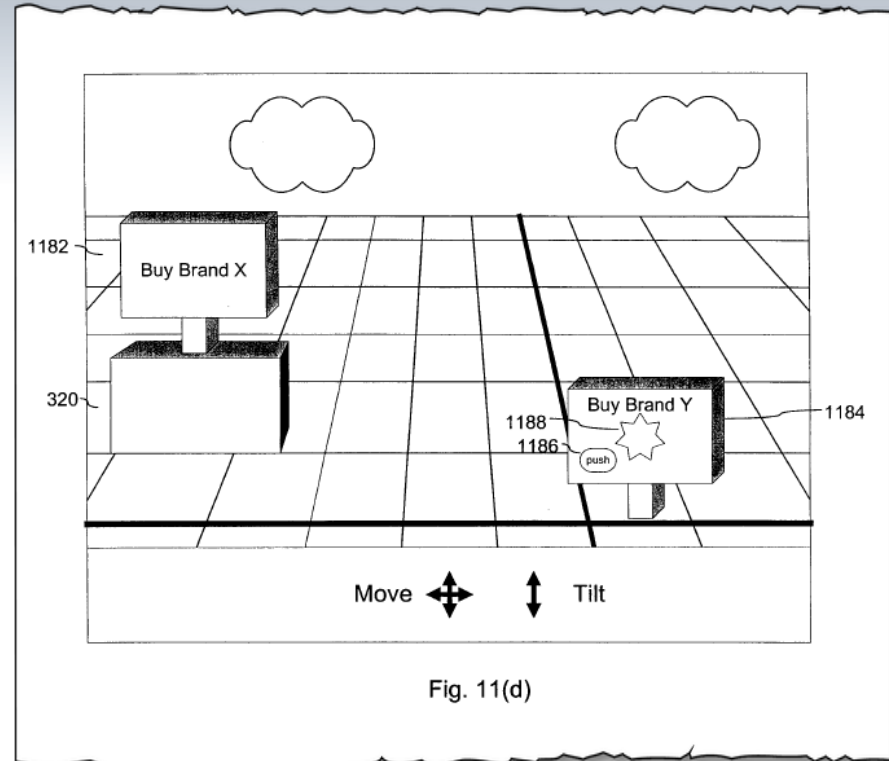
PCT
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International Bureau

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(71) Applicant: GRAPHIC GEMS [US/US], Suite 600, 1850 Gateway Drive, San Mateo, CA 94404 (US).		
(72) Inventors: JIAU, Winfred; 2520 Buena Vista Avenue, Belmont, CA 94002 (US); TOLAR, Robert; 57 Bradford Street, San Francisco, CA 94110 (US).		
(74) Agents: MAIERUS, Laura, A. et al.; Fenwick & West LLP, Two Palo Alto Square, Palo Alto, CA 94306 (US).		
(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GR, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZA, ZW, AR, PO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW); Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM); European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LI, LU, MC, NL, PT, SE); OAPI patent (BF, BI, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TO).		
Published Without international search report and to be republished upon receipt of that report.		
(54) Title: METHOD AND APPARATUS FOR PROVIDING HOTSPOTS IN A SHARED VIRTUAL WORLD		
(57) Abstract		

A method and apparatus for providing hotspots and hotspots in a shared three-dimensional virtual world. When the user in the virtual world activates a hotspot or a hotspot, an action occurs. Hot spots are areas of an object (or a whole object) that have an associated link. Hot spots are two or three-dimensional areas or the virtual world (which may or may not have an object located therein) that have an associated link. For example, a link may cause a web page to be fetched and displayed. Activation of a hotspot or a hotspot link can also cause an action, such as display of an advertisement or an animation. Some of the types of links that can be associated with objects include: an absolute link to a file, an absolute link to an object, a link that points to the interior or exterior of an object, a relative link specifying a direction and a number of units from the current location, a link with an associated action or animation, a link with a URL.

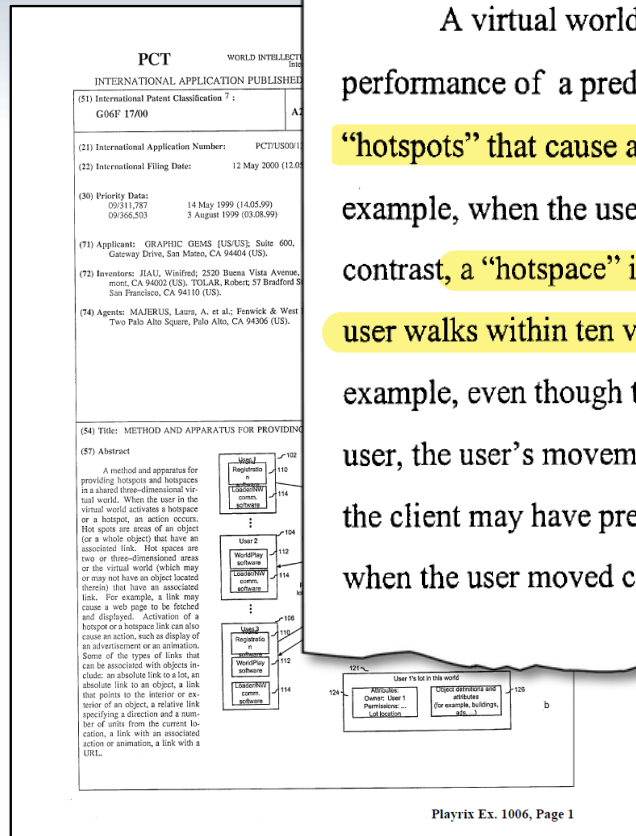
Playrix Ex. 1006, Page 1



PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1005, at Fig. 11(d).

Jiau Does Not Teach “Non-Promotional Background Object”



A virtual world can also include “hotspots” and “hotspaces” that cause the performance of a predefined action or teleportation. Objects can have predetermined “hotspots” that cause actions to occur when the user touches or selects the object. For example, when the user touches or selects an object, a pop-up advertisement may appear. In contrast, a “hotspot” is a predetermined space surrounding an object. For example, when a user walks within ten virtual feet of a hotspot, a pop-up advertisement may appear. In the example, even though the hotspot or hotspace was previously within the visible field of the user, the user’s movements cause the client to display the pop-up advertisement. Alternately, the client may have pre-requested the pop-up advertisement by way of its lookahead method when the user moved closer to the object.

Response, at 24-29.

Sur-Reply, at 14-16.

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1005, at 16:29-17:6.

Jiau Does Not Teach “Non-Promotional Background Object”

Alternatively, Petitioner argues that “Jiau’s hotspots and hotspaces also disclose limitation 1(d)(i).” Pet. 32 (citing Ex. 1003 ¶ 124). Specifically, Petitioner focuses on Jiau’s hot spaces and argues that “a ‘hotspace’ may cause a pop-up advertisement to unexpectedly appear when a user passes through a background location within a predetermined distance of an associated object.” *Id.* (citing Ex. 1005 15:4–8, 17:1–6, Fig. 11(d)).

Second, limitation 1(d)(i) makes it clear that the “location in-game is represented by a non-promotional background *object*.” Ex. 1001, 14:27–29 (emphasis added). But a hotspace is not an object. Instead, in Jiau, “a ‘hotspace’ is a predetermined spaced surrounding an object.” Ex. 1005,

Jiau Does Not Teach “Non-Promotional Background Object”

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLR WORLDWIDE SALES LIMITED,

Petitioner,

v.

FLIP PHONE GAMES INC.,

Patent Owner.

Case No. IPR2023-00133

U.S. Patent No. 8,688,089

PETITIONER'S REPLY

Petitioner
U.S. Patent No. 1

EX1005, 15:3-17. As shown in Figure 11(d), object 320 and its associated hot spot appear in the background of the scene relative to static object 1184:

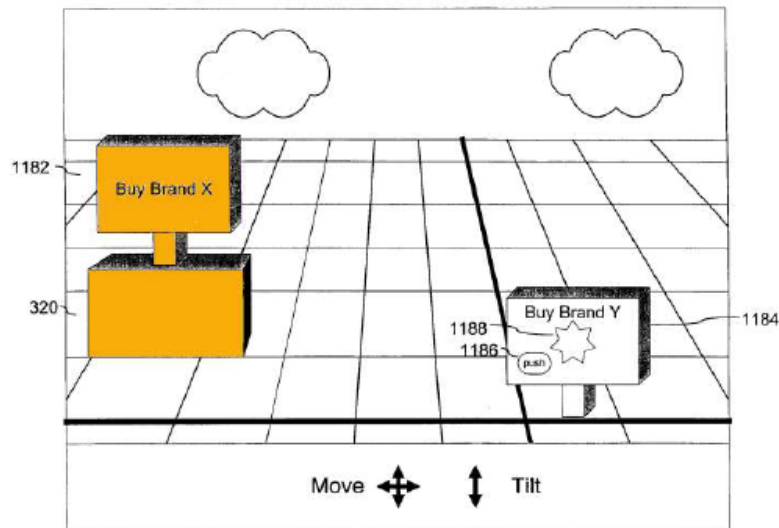


Fig. 11(d)

Response, at 24-29.

Sur-Reply, at 14-16.

Reply, at 15.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE Ex. 1005, at Fig. 11(d), 15:3-8.

Dependent Claims 3 & 7 of the '089 Patent

3. The method of claim 1, wherein the hidden promotional content is pre-selected based on the proximity of the mobile communication device to a physical location related to the hidden promotional content.

7. The method of claim 6, wherein the hidden promotional content is pre-selected based on the proximity of the mobile communication device to a physical location related to the hidden promotional content.

Dependent Claims 3 & 7 of the '089 Patent

The Ho-Jiau-Choi combination renders claim 2 obvious. Ex. 1003 ¶131. As described above in Section X.D.2(d), Choi discloses selection of targeted advertisements for delivery to a player, including “location-specific advertising content” based on a user’s “GPS location information,” such that advertising content is selected based on whether the user is within the designated location associated with that content (*i.e.*, based on the user’s proximity to the designated physical location related to that advertising content). Ex. 1008, [0043].

Dependent Claims 3 & 7 of the '089 Patent

U.S.
IN THE UNITED STATES PATENT AND TRADE
BEFORE THE PATENT TRIAL AND APPEALS BOARD
PLR WORLDWIDE SALES LIMITED
Petitioner,
v.
FLIP PHONE GAMES INC.,
Patent Owner.
Case No. IPR2023-00133
U.S. Patent No. 8,688,089
PETITIONER'S REPLY

“pre-selected.” In IPR2024-00171, the Board addressed a similar dispute in another of PO’s patents with a substantially overlapping specification, and that also involved the term “pre-selected.” *PLR Worldwide Sales Ltd. v. Flip Phone Games, Inc.*, IPR2024-00171, Final Written Decision (Paper 31) at 18-19 (Apr. 24, 2025). In that case, the Board found that a similar disclosure of “target[ing] the delivery of ... advertisement campaigns” based on criteria such as “time of day” or “game play date” discloses pre-selection of advertisements. *Id.* at 18-20 (“Hays’s disclosure of selecting ads to serve from a pool of ads that are selected ahead of time are consistent with the written description of the [patent at issue].”). The same reasoning applies

Dependent Claim 8 of the '089 Patent

6. A system for providing a hot spot associated with a mobile video game, the system comprising:

communication device, the hot spot information comprising:
a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and
hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated.

8. The system of claim 6, wherein the hot spot information is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.

Dependent Claim 8 of the '089 Patent

7. **Claim 8: The system of claim 6, wherein the hot spot information is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.**

The Ho-Jiau-Choi combination renders claim 8 obvious. Ex. 1003, ¶¶141-142. As described above in Section X.D.2(d), Choi teaches two ways in which user information—including the model type of the user's mobile device and the service provider associated with the mobile device—may be used to pre-select advertising content to send to a particular user. First, Choi teaches that targeted advertisements

Ground 3: Sturman/Ho

Ground	35 U.S.C.	Challenged Claims	References
3	103	1-5, 6-10	Sturman & Ho

Sturman's "Ad Units"

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(54) Title: MATCHING AND SCORING OF ADVERTISEMENTS FOR TARGETED GAMES, SUCH AS SINGLE AND MULTIPLAYER GAMES

(57) Abstract: An advertisement delivery scheme and associated facility provide targeted advertisements to users of a gaming device without advertisers having to specify specific game titles in which they would like the advertisements may be provided via a network connection while the video game applications are executed on gaming devices. Other means. Advertisements may be targeted to groupings of one or more games, and or groupings of one or more players. The advertisements may be matched and scored to appear in specific available ad units within each game. The advertisement delivery scheme and associated facility may be implemented with respect to both single and multiplayer games.

Playrix Ex. 1006, Page 1 of 46

[0019] In accordance with some embodiments, the advertisement delivery scheme and associated facility present advertisements as texture maps or other graphical displays (e.g., animations, video, etc.) on pre-designated geometry within the game, such as billboards, storefront signs, panel trucks, Jumbotron screens in a sports stadium, posters on walls, T-shirts on a game character, items used by game characters (e.g., a brand name soft drink or energy bar) and so on. Each of these spaces may be termed an "available ad unit" or "inventory element." Available ad units may also be available at the beginning of a game, at the end of a game, in between levels (e.g., as commercial-like intermissions), as parts of menus, on a "pause" screen, etc. Available ad units may include audio characteristics as well as visual characteristics. Other characteristics for available ad units are also possible (e.g., scented elements, image projections into three-dimensional space, actual structures within the game (e.g., a car), etc.).

Sturman Does Not Disclose “Hot Spot Information”

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

PLR WORLDWIDE SALES LTD.
Petitioner

v.

FLIP PHONE GAMES INC.
Patent Owner

U.S. Patent No. 8,688,089
Inter Partes Review No. 2024-00133

DECLARATION OF JOSÉ ZAGAL, PH.D.

163. Sturman does not expressly describe its ads as containing “hot spots” as the '089 Patent uses that term. Ho describes the claimed “hot spots,” however. For example, Ho describes an “interactive information element.” Ex. 1004, Abstract.

Sturman Does Not Disclose “Hot Spot Information”

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

PLR WORLDWIDE SALES, INC.
Petitioner

v.

FLIP PHONE GAMES INC.
Patent Owner

U.S. Patent No. 8,688,089
Inter Partes Review No. 2024-00133

PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104

ads. Ex. 1003, ¶159. For example, many of Sturman’s exemplary in-game advertisement locations are passive/non-interactive elements, such as “billboards, storefront signs, panel trucks, Jumbotron screens ... [and] posters on walls.” Ex. 1006, [0019]. Ho teaches that these types of in-game ads, “restricted to in-game

Sturman Does Not Disclose “Hot Spot Information”

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

PLR WORLDWIDE SALES, INC.
Petitioner

v.

FLIP PHONE GAMES INC.
Patent Owner

U.S. Patent No. 8,688,088
Inter Partes Review No. 2024-010,123

PETITION FOR *INTER PARTES REVIEW*
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.101

B. The Sturman-Ho Combination

In the proposed Sturman-Ho combination, Sturman’s teachings provide the basic features of an advertisement delivery system for mobile video games, where a server delivers targeted advertisements in response to requests from mobile devices and each advertisement is matched to a specific in-game location. Ho’s teachings relating to interactive information elements are then applied to make Sturman’s advertisements interactive, such that they are provided as a hot spot corresponding to an in-game character or object, with the advertisement appearing only when a player interacts with the hot spot location. The Sturman-Ho combination renders claims 1-10 obvious.

No Motivation to Modify Sturman in View of Ho

Consequently, advertisers are able to go to one place to substantially simultaneously reach a narrowly targeted audience, a widely targeted audience, or both across numerous game titles and can broadcast advertising to this audience based on ad campaign needs (e.g., reach 1 million men ages 18-34 at 8 p.m. on Thursdays).

reach" over a short time frame. For example, through the advertisement delivery scheme, advertisers can reach millions of game players in a single night. In the past, this was not possible and an advertiser would be limited to the number of players it could reach in a short time frame. Advertisers can also take advantage of the dynamic nature of the advertisement delivery scheme to run time-based advertisement campaigns based on seasons, specific days (e.g., only on Sundays), specific dates (e.g., the day before Valentine's Day), specific times of day (between 6 and 9 p.m.), or events (e.g., scheduled multiplayer game tournaments, movie releases, etc.) not known before the game release. In addition, the dynamic nature

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(71) Applicant (for all designated states except the United States): MASSIVE INCORPORATED, 802, New York, NY 10012 (US)
(72) Inventor: and
(75) Inventor/Applicant (for US only): c/o Massive Incorporated, 802, New York, NY 10012 (US)
(74) Agents: SARBUT, Michelle, Puerto-SEA, P.O. Box 1247, (US)
(54) Title: MATCHING AND SCORING GAMES, SUCH AS SINGLE AND DOUBLE
(57) Abstract: An advertisement delivery scheme without advertisers having to specify advertisements may be provided via a network. Advertisements may be delivered to a user's device via a network and scheme and associated facility may be provided.

WO 2006/071246 A1

Response, at 39-51.

Sur-Reply, at 19-21.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1006, at [0018], [0024].

No Motivation to Modify Sturman in View of Ho

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLR WORLDWIDE SALES LIMITED,
Petitioner

v.

FLIP PHONE GAMES, INC.,
Patent Owner

IPR No. IPR2024-00133

Patent No. 8,688,089

DECLARATION OF DR. ROBERT AKL, D.SC.
IN SUPPORT OF PATENT OWNER'S RESPONSE

85. As one example, not “initially” displaying advertisements in Sturman’s ad units would prevent an advertiser from realizing “substantially simultaneous[.]” broadcast of its advertisements across multiple game titles. *See* Ex. 1006, [0018], [0023], [0024]. This is at least because, under the modification proposed by the Petition, the advertisement itself may never be displayed to a recipient, *e.g.*, if the recipient does not engage with the object. Indeed, as described by the Petition “the ad ... *only displays* promotional content *when activated*.” Petition at 59. Thus, such content may never be displayed at all.

86. As another example, such a modification would likewise prevent an advertiser from meeting specific “ad campaign needs” such as “reach[ing] 1 million men ages 18-34 at 8 p.m. on Thursdays.” Ex. 1006, [0018]. Indeed, according to Petitioner’s proposed modification, an advertiser’s advertisement is “not displayed initially,” but rather “is only presented when the player interacts with the designated in-game location” (Petition at 53), which potentially may never happen as explained above or, at most, will happen at various, unspecified and unrelated times across multiple game titles. This is necessarily contrary to the stated purpose in Sturman.

Response, at 39-51.

Sur-Reply, at 19-21.

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 2005, ¶¶ 85-86.

No Motivation to Modify Sturman in View of Ho

[0020] When a game is shipped, it may have a fixed set of available ad units grouped into zones (typically delineated by game levels or areas of play). However, other available ad unit configurations may be possible. Some available ad units may be interactive within the game context (e.g., a game character eating a brand name energy bar to boost her power in the game, a brand-related "mini game" presented between levels, a click-through advertisement, etc.) and may bring aspects of the real world into the game (e.g., a player can enter a code from a product to provide advantages in the game).

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(74) Agents: SARBUT, Michelle, P.O. Box 1247, (US)
W/O 2006/071246 A1
(54) Title: MATCHING AND SCORING OF ADVERTISEMENTS FOR TARGETED DELIVERY INTO MULTIPLE VIDEO GAMES, SUCH AS SINGLE AND MULTIPLAYER GAMES
(57) Abstract: An advertisement delivery scheme and associated facility provide targeted advertisements for multiple video games without advertisers having to specify specific game titles in which they would like their advertisements placed. The targeted advertisements may be provided via a network connection while the video game applications are executed on gaming devices, or via other means. Advertisements may be targeted to groupings of one or more games, and or groupings of one or more players. The advertisements may be matched and scored to appear in specific available ad units within each game. The advertisement delivery scheme and associated facility may be implemented with respect to both single and multiplayer games.

Playrix Ex. 1006, Page 1 of 46

Response, at 39-51.

Sur-Reply, at 19-21.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Ex. 1006, at [0020].

Dependent Claims 3 & 7 of the '089 Patent

3. The method of claim 1, wherein the hidden promotional content is pre-selected based on the proximity of the mobile communication device to a physical location related to the hidden promotional content.

7. The method of claim 6, wherein the hidden promotional content is pre-selected based on the proximity of the mobile communication device to a physical location related to the hidden promotional content.

Dependent Claims 3 & 7 of the '089 Patent

4. Claim 3

The Sturman-Ho combination renders claim 3 obvious. Ex. 1003, ¶¶186-187. As described above in Section XII.B.2(d), Sturman teaches that advertising content for delivery to a user may be targeted based on “specific demographic characteristics of a game player,” including the user’s IP address and/or geographic location. *Id.*, [0047], [0054].

Dependent Claims 3 & 7 of the '089 Patent

U.S.
IN THE UNITED STATES PATENT AND TRADE

BEFORE THE PATENT TRIAL AND APPEAL

PLR WORLDWIDE SALES LIMITED

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FLIP PHONE GAMES INC.,

Patent Owner.

Case No. IPR2023-00133

U.S. Patent No. 8,688,089

PETITIONER'S REPLY

PO again argues, based on a construction of “pre-selected” that PO never offered (and has thus waived), that Sturman does not disclose pre-selecting content based on location, as required by claims 3 and 7. POR 51. The Petition explains that these claims are expressly disclosed by Sturman because Sturman teaches targeting advertising content based on characteristics such as an IP address (which corresponds to a location) or a geographic location. Pet. 55-56, 60; EX1003, ¶¶186-187; EX1004, ¶¶47-54. Consistent with the Board’s decision in the IPR2024-00171 proceeding on another of PO’s patents with a substantially similar disclosure, targeting advertisements in this manner demonstrates pre-selection because ads are selected from a pool of ads pre-selected based on criteria such as geographic location. IPR2024-00171, FWD at 18-19. PO simply asserts, without explanation, that Sturman’s disclosure is “irrelevant” to the limitation. POR 52.

Dependent Claim 8 of the '089 Patent

6. A system for providing a hot spot associated with a mobile video game, the system comprising:

communication device, the hot spot information comprising:
a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and
hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated.

8. The system of claim 6, wherein the hot spot information is pre-selected by the server based on a model type associated with the communications device, a service subscription associated with the communications device, or a service provider for the service subscription associated with the communications device.

Dependent Claim 8 of the '089 Patent

9. Claim 8

The Sturman-Ho combination renders claim 8 obvious. Ex. 1003, ¶¶201-202. For example, Sturman teaches that its matching algorithm for selecting an advertisement in response to a request may take into account “explicit inventory targeting,” such as “SKUs.” Ex. 1006, [0052]. The SKU represents a “client type,” which may be a type of “game console.”² *Id.*, [0044]. Indeed, Sturman teaches that the request from the mobile device includes “a unique identifier to indicate the client type.” *Id.* Sturman further teaches that “[p]layer-specific information” may be used for ad targeting, which includes a player’s “OS or hardware versions.” *Id.*, [0054].

Response, at 56-57.

Sur-Reply, at 23.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Petition, at 63.

Dependent Claim 4 of the '089 Patent

1. A method for providing a hot spot associated with a mobile video game, the mobile video game being operable on a mobile communication device, the method comprising the steps of:

determining the hot spot information to provide to the mobile device based upon the communication, the hot spot information comprising:
a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and
hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated; and

4. The method of claim 1, further comprising the step of tracking the hot spot information that has been downloaded to the mobile communication device.

Dependent Claim 9 of the '089 Patent

6. A system for providing a hot spot associated with a mobile video game, the system comprising:

cation device, the hot spot information comprising:
a location in-game associated with activating the hot spot, wherein the location in-game is represented by a non-promotional background object; and
hidden promotional content for presenting to the user, within a gaming environment of the mobile video game, when the hot spot is activated.

9. The system of claim 6, wherein the server tracks what hot spot information has been downloaded.

Dependent Claims 4 & 9 of the '089 Patent

value of placing an ad in a particular game, Ho does not expressly disclose tracking the hot spot information that has been downloaded to the mobile device.

The Sturman-Ho combination renders claim 4 obvious. Ex. 1003, ¶¶188-189. Sturman teaches that its advertisement server may “track and record all communications and data sent to and received from the advertisement recipient client,” which would include the hot spot information sent to the client. Ex. 1006, [0042]. In particular, an “active session database” within the advertisement management service system may be used to “record[] the advertisements that have been delivered to a session.” *Id.*, [0049].

Response, at 53-54.

Sur-Reply, at 22-23.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Petition, at 46, 60.

42

End