

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

IPR2024-00171, U.S. Patent No. 10,617,958
IPR2024-00200, U.S. Patent No. 11,117,056

Patent Owner's Demonstratives
February 6, 2025 at 9:00 AM

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Challenged Patents

(12) United States Patent Hartwell

(10) Patent No.: **US 10,617,958 B2**
(45) Date of Patent: **Apr. 14, 2020**

(54) **METHODS AND SYSTEMS FOR UPDATING
IN-GAME CONTENT**

(58) **Field of Classification Search**
CPC H04L 12/1859
See application file for complete search history.

(71) Applicant: **GOSUB 60, INC.**, Santa Monica, CA
(US)

(56) **References Cited**
U.S. PATENT DOCUMENTS
6,219,696 B1 4/2001 Wynblatt et al.
2002/0166119 A1 11/2002 Cristofalo
(Continued)

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

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

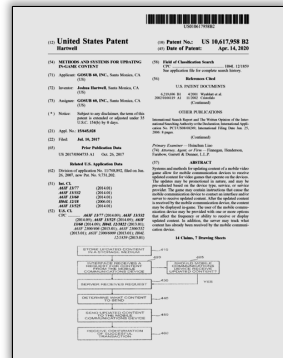
(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

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International Search Report and The Written Opinion of the Inter-
national Searching Authority or the Declaration; International Appli-
cation No. PCT/US08/68249; International Filing Date Jun. 25,
2006; 8 pages.

(21) Appl. No.: **15/645,028**

(22) Filed: **Jul. 10, 2017**

(Continued)



Ex. 1001 ('958 Patent)

(12) United States Patent Hartwell

(10) Patent No.: **US 11,117,056 B2**
(45) Date of Patent: ***Sep. 14, 2021**

(54) **METHODS AND SYSTEMS FOR UPDATING
IN-GAME CONTENT**

(58) **Field of Classification Search**
CPC H04L 12/1859; A63F 13/77
See application file for complete search history.

(71) Applicant: **GOSUB 60, INC.**, Santa Monica, CA
(US)

(56) **References Cited**
U.S. PATENT DOCUMENTS

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

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2003/0105669 A1 6/2003 Tsuchiya
(Continued)

(73) Assignee: **GOSUB 60, INC.**, Santa Monica, CA
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This patent is subject to a terminal dis-
claimer.

OTHER PUBLICATIONS
International Search Report and the Written Opinion of the Inter-
national Searching Authority or the Declaration; International Appli-
cation No. PCT/US08/68250; International Filing Date Jun. 25,
2008; 8 pages.

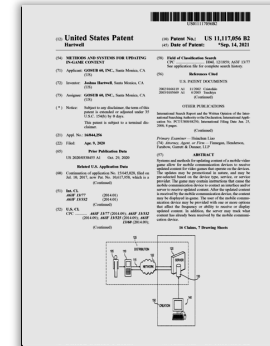
(21) Appl. No.: **16/844,256**

(22) Filed: **Apr. 9, 2020**

(Continued)

Primary Examiner — Hsinchun Liao

(74) Attorney, Agent, or Firm — Finnegan, Henderson,
Farabow, Garrett & Dunner, LLP



Ex. 1001 ('056 Patent)

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Patent Disclosure

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.

Col. 1:32-46

An embodiment of the invention described below allows a game company and/or provider to provide updated content to a mobile communication device for use in a mobile video game that operates on the mobile communication device. The ability to update in-game content may allow game companies to keep game elements fresh and prolong user enjoyment of the game. For example, a particular scene within the game may be rearranged so that the user has something new to look at or explore. In one embodiment, the updated content may comprise a new level within the game. In addition, the game company may charge third-party advertisers a fee per downloaded promotional update. Consequently, the game may sustain its popularity and be more profitable for the game creator than existing mobile communication device games.

Col. 4:34-48

Ex. 1001 ('958 Patent)

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

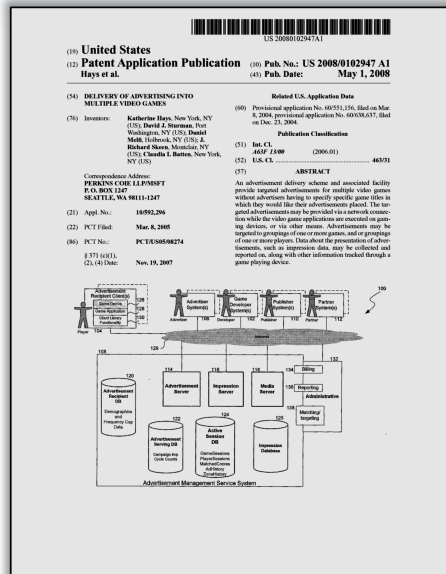
Hays
Grounds 1-2 – '958 Patent
Grounds 1-3 – '056 Patent

Hays Grounds

'958 Patent			
Ground	35 U.S.C.	Challenged Claims	References
1	103	1-14	Hays
2	103	3 and 10	Hays and Chu

'056 Patent			
Ground	35 U.S.C.	Challenged Claims	References
1	103	1-16	Hays
2	103	1-16	Hays and Choi
3	103	5 and 14	Hays (or Hays and Choi) in Further View of Chu

Hays – Ex. 1005



(19) **United States**
 (12) **Patent Application Publication** (10) **Pub. No.: US 2008/0102947 A1**
Hays et al. (43) **Pub. Date: May 1, 2008**

(54) **DELIVERY OF ADVERTISING INTO MULTIPLE VIDEO GAMES**

(76) **Inventors:** **Katherine Hays**, New York, NY (US); **David J. Sturman**, Port Washington, NY (US); **Daniel Melfi**, Holbrook, NY (US); **J. Richard Skeen**, Montclair, NY (US); **Claudia I. Batten**, New York, NY (US)

Correspondence Address:
PERKINS COIE LLP/MSFT
P. O. BOX 1247
SEATTLE, WA 98111-1247

(21) **Appl. No.:** **10/592,296**
 (22) **PCT Filed:** **Mar. 8, 2005**
 (86) **PCT No.:** **PCT/US05/08274**
 § 371 (c)(1),
 (2), (4) **Date:** **Nov. 19, 2007**

Related U.S. Application Data

(60) Provisional application No. 60/551,156, filed on Mar. 8, 2004, provisional application No. 60/638,637, filed on Dec. 23, 2004.

Publication Classification

(51) **Int. Cl.**
A63F 13/00 (2006.01)
 (52) **U.S. Cl.** **463/31**
 (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. Data about the presentation of advertisements, such as impression data, may be collected and reported on, along with other information tracked through a game playing device.

Ex. 1005 (Hays)

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“pre-selected in-game [advertising/video game content]” / “wherein the message is pre-selected”

1. A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:
a storage medium for storing pre-selected in-game advertising for use in a video game;
a server in communication with the storage medium; and
an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;
wherein the server is operative to receive the request through the interface and utilize the request to:
check what pre-selected in-game advertising to send; and
send the pre-selected in-game advertising stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

Ex. 1001 ('958 Patent), Col. 15:4-19

958, Paper 12, at 10-15
958, Paper 26, at 2-5

1. A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:
a storage medium for storing in-game video game content;
a server in communication with the storage medium; and
wherein the server is configured to:
receive a request for updated content from the mobile communication device;
identify, in response to receiving the request, what in-game video game content to send;
send a message relating to the in-game video game content to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and
send the in-game video game content to the mobile communication device as the updated content for the mobile video game.

Ex. 1001 ('056 Patent), Col. 15:4-26

9. A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:
storing, on a storage medium, pre-selected in-game video game content for use in a video game;
receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;
identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send;
sending a message relating to the in-game video game content from the server to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and
sending, from the server, the pre-selected in-game video game content to the mobile communication device as the updated content for the mobile video game.

Ex. 1001 ('056 Patent), Col. 16:1-24

056, Paper 12, at 10-19
056, Paper 22, at 2-6

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

***“pre-selected* in-game [advertising / video game content]”**

[0022] In some embodiments, components of the advertisement server may be used to track and manage large sets of available ad units from multiple game titles, forming a network of available advertisement spaces. Based on information associated with each of the available ad units (e.g., current game environment, game title genre, predicted player demographic information for current available ad unit, player geography, time of day, etc.), the advertisement server may then (through matching and optimization) distribute and deliver targeted advertisements to players' gaming devices, where the advertisements may be integrated into the relevant game areas in real time. For example, the multiple games that

Ex. 1005 (Hays), [0022]

958, Paper 12, at 10-15
958, Paper 26, at 2-5

056, Paper 12, at 18-19
056, Paper 22, at 6

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“wherein the message is *pre-selected* by the server”

Claim 1/9 of the '056 Patent:

“wherein the message is *pre-selected* by the server *based on* a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device”

[0043] The advertisements retrieved from the advertisement serving database 122 by the advertising matching and weighting system 220 are assigned a weight by the advertising matching and weighting system 220. The advertising matching and weighting system 220 may calculate the weight of each advertisement based on several factors including campaign goal and completion data from the advertisement serving database 122 and information regarding the specific client type from the advertisement recipient database 120. The advertising matching and weighting system 220 then selects one or more advertisements from the weighted advertisement set, where the probability of an advertisement being selected is directly derived from the advertisement's assigned weight, relative to other advertisements in the set. The selected advertisements are then sent back to the requesting advertising request handler 210 and transmitted back to the advertisement recipient client for display.

Ex. 1005 (Hays), [0043]

056, Paper 12, at 10-14
056, Paper 22, at 2-5

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 9-16 – '056 Patent

- (b) 9[a]: storing, on a storage medium, pre-selected in-game video game content for use in a video game;

See Section IX.A.1(b) (limitation 1[a]).

- (c) 9[b]: receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;

See Sections IX.A.1(c) and (d) (limitations 1[b] and 1[c]).

- (d) 9[c]: identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send;

See Section IX.A.1(e) (limitation 1[d]).

- (e) 9[d]: sending a message relating to the in-game video game content from the server to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and

See Section IX.A.1(f) (limitation 1[e]).

Paper 2 (Petition), at 30

1. “pre-selected in-game video game content”

PO erroneously argues the Petition “does not address this [] requirement at all.” POR 18. But the Petition cites back to claim 1, which includes a detailed discussion of why Hays’s advertisements are “pre-selected.” Pet. 20-21.

Paper 21 (Reply), at 7

056, Paper 12, at 18-23
056, Paper 22, at 6-9

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Claims 9-16 – '056 Patent

With respect to the “message relating to the in-game video content,” Hays explains for instance that “the tail end of this process (e.g., actually delivering *the files and data that the advertisement recipient client 104 uses to display the advertisement* [i.e., the message]) may be handled by a media server” and that “delivery of the content for advertisements may be separated from the metadata [i.e., the message] concerning the advertisement.” Ex. 1005, ¶41. The metadata is a *message relating to the in-game video game content*. Ex. 1003, ¶102. Hays also explains that data is “retrieved from a[n] advertisement recipient database 120 keyed upon the unique client identifier [i.e., *is pre-selected by the server based on a model type associated with the mobile communication device*].” Ex. 1005, ¶41; *see also* Ex. 1003, ¶106.

Paper 2 (Petition), at 18

[0041] In some embodiments, the advertisement serving database 122 contains advertising information that is available to potentially display on all advertisement recipient clients within the framework of the advertising delivery scheme and associated facility. A set of advertising for each request may be extracted from the advertisement serving database 122 based on data retrieved from a advertisement recipient database 120 keyed upon the unique client identifier. In some embodiments, the tail end of this process (e.g., actually delivering the files and data that the advertisement recipient client 104 uses to display the advertisement) may be handled by a media server that functions as an edge server, such as the media server 118 of FIG. 1A. In effect, the delivery of the content for advertisements may be separated from the metadata concerning the advertisement.

Ex. 1005 (Hays) at [0041]

056, Paper 12, at 18-23
056, Paper 22, at 6-9

Claims 9-16 – '056 Patent

Claim 1	Claim 9
1. A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:	A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:
a storage medium for storing in-game video game content;	storing, on a storage medium, pre-selected in-game video game content for use in a video game;
a server in communication with the storage medium; and	
wherein the server is configured to: receive a request for updated content from the mobile communication device;	receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;
identify, in response to receiving the request, what in-game video game content to send;	identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send;
send a message relating to the in-game video game content to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and	sending a message relating to the in-game video game content from the server to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and
send the in-game video game content to the mobile communication device as the updated content for the mobile video game.	sending, from the server, the pre-selected in-game video game content to the mobile communication device as the updated content for the mobile video game.

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

‘958 Claims 1 & 8 / ‘056 Claim 9 – “pre-selected in-game [advertising/video game content] *for use*”

1. A system for providing updated content associated with a mobile video game to a mobile communication device, the system comprising:

a storage medium for storing pre-selected in-game advertising for use in a video game;

a server in communication with the storage medium; and an interface coupled to the server and a network, wherein the interface receives a request for updated content from the mobile communication device over the network;

wherein the server is operative to receive the request through the interface and utilize the request to: check what pre-selected in-game advertising to send; and send the pre-selected in-game advertising stored on the storage medium to the mobile communication device as the updated content for the mobile video game.

Ex. 1001 (‘958 Patent), Col. 15:4-19

958, Paper 12, at 15-19

958, Paper 26, at 5-8

9. A method for providing updated content associated with a mobile video game to a mobile communication device, the method comprising:

storing, on a storage medium, pre-selected in-game video game content for use in a video game;

receiving, at a server, a request from the mobile communication device for updated content from the mobile communication device;

identifying, by the server in response to receiving the request, what pre-selected in-game video game content to send;

sending a message relating to the in-game video game content from the server to the mobile communication device in response to receiving the request, wherein the message is pre-selected by the server based on a model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device; and

sending, from the server, the pre-selected in-game video game content to the mobile communication device as the updated content for the mobile video game.

Ex. 1001 (‘056 Patent), Col. 16:1-24

056, Paper 12, at 19-23

056, Paper 22, at 6-9

PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

‘958 Claims 1 & 8 / ‘056 Claim 9 – “pre-selected in-game [advertising/video game content] *for use*”

[0018] 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.

Ex. 1005 (Hays), [0018]

958, Paper 12, at 15-19
958, Paper 26, at 5-8

[0019] 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 (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).

Ex. 1005 (Hays), [0019]

056, Paper 12, at 19-23
056, Paper 22, at 6-9

[0017] In the past, advertisers who wished to advertise in video games were limited to selecting specific individual game titles for presenting their advertisements. An advertisement delivery scheme and associated computerized facility allow advertisers to deliver their campaign messages to specific audiences they wish to target across one or multiple game titles played across multiple platforms (e.g., PC, console, mobile, etc.) without being limited to delivering their campaign to only a single specific game title. In some embodiments, the advertisement delivery scheme aggregates an audience across multiple video games and platforms (PC, console, mobile, etc.) and can deliver advertisements to that audience by advertiser request.

958, Paper 12, at 15-19
958, Paper 26, at 5-8

Ex. 1005 (Hays), [0017]

056, Paper 12, at 19-23
056, Paper 22, at 6-9

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“in-game placement location” [“as part of the updated content” / “of the in-game video game content”]

3. The system of claim 1, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

5. The system of claim 1, wherein the server is further configured to send information to the mobile communication device regarding the in-game placement location of the in-game video game content.

10. The method of claim 8, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

13. The method of claim 9, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of in-game video game content.

Ex. 1001 ('958 Patent), Col. 15:22-25, 16:19-22

Ex. 1001 ('056 Patent), Col. 15:39-42, 16:38-41

958, Paper 12, at 19-21
958, Paper 26, at 8-9

056, Paper 12, at 24-26
056, Paper 22, at 9-10

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“in-game placement location” [*“as part of the updated content”* / *“of the in-game video game content”*]

[0074] The use of standardized available ad units facilitates the sale of advertising that spans across multiple games/titles because one advertisement can fit into many available ad units of a standard advertisement unit type. In addition, advertisers can simultaneously reach large audiences without creating multiple versions of the media. Also, advertisers can easily deliver media that will not be stretched or skewed when shown in the game, allowing them to protect their image while also keeping the games’ solid appearance.

Ex. 1005 (Hays), [0074]

958, Paper 12, at 19-21
958, Paper 26, at 8-9

056, Paper 12, at 24-26
056, Paper 22, at 9-10

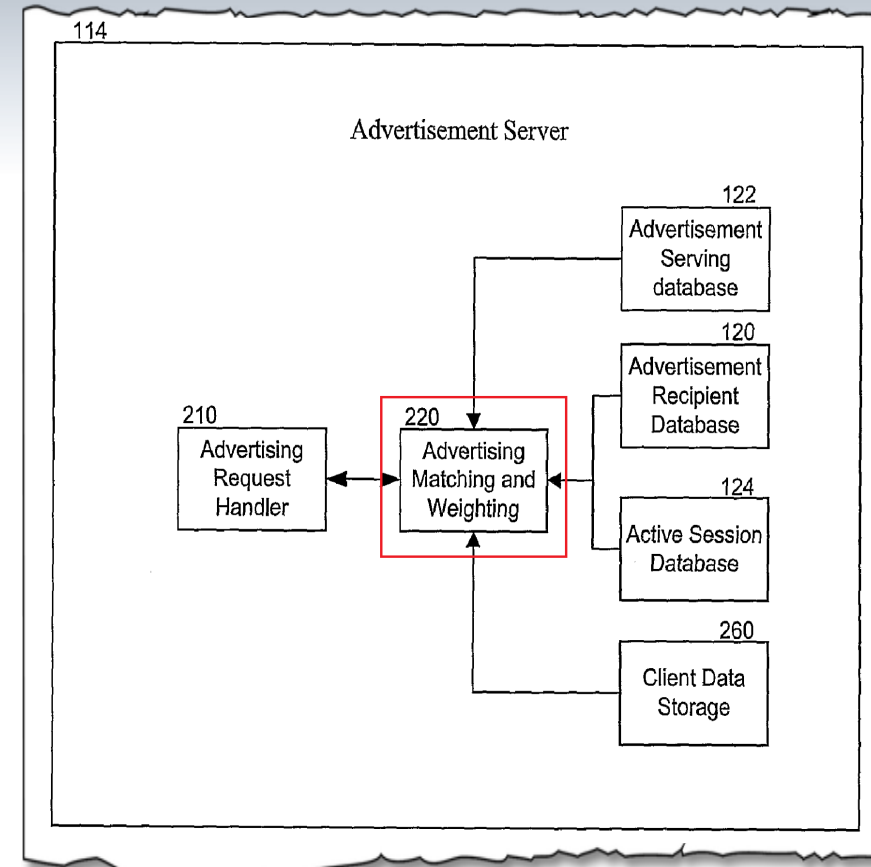
PATENT OWNER’S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“the *message* is preselected by the server *based on one of the [claimed factors]...*”

Claims 5 and 12 of the '958 Patent:

Claims 1[e] and 9[d] of the '056 Patent:

“the message is preselected by the server based on model type associated with the mobile communication device, a service subscription associated with the mobile communication device, or a service provider for the service subscription associated with the mobile communication device.”



958, Paper 12, at 21-25
958, Paper 26, at 9-10

Ex. 1005 (Hays), Fig. 2

056, Paper 12, at 15-18
056, Paper 22, at 5

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“identifying what in-game video game content to send *based on one of the [claimed factors]...*”

Claims 4 and 12 of the '056 Patent:

“identifying what in-game video game content to send is based on a model type associated with the mobile communication device, a service subscription associated with the mobile communications device, a service provider for the service subscription associated with the mobile communication device, or a location of the mobile communications device.”

The advertising matching and weighting system **220** then selects one or more advertisements from the weighted advertisement set, where the probability of an advertisement being selected is directly derived from the advertisement’s assigned weight, relative to other advertisements in the set. The selected advertisements are then sent back to the requesting advertising request handler **210** and transmitted back to the advertisement recipient client for display.

Ex. 1005 (Hays), [0043]

056, Paper 12, at 23-24
056, Paper 22, at 9

“track[ing] *the distribution of updated* content.”

7. The system of claim 1, wherein the server tracks the distribution of updated content.

7. The system of claim 1, wherein the server is further configured to track the distribution of updated content.

14. The method of claim 8, further comprising tracking the distribution of updated content at the server.

15. The method of claim 9, further comprising tracking the distribution of updated content at the server.

Ex. 1001 ('958 Patent), Col. 15:38-39, 16:38-39

Ex. 1001 ('056 Patent), Col. 15:47-48, 16:46-47

958, Paper 12, at 25-27
958, Paper 26, at 10-12

056, Paper 12, at 26-28
056, Paper 22, at 10-11

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

“track[ing] *the distribution of updated* content.”

- “active session database 124 records advertisements that have been *delivered to a session*”
- Frequency Caps “limit ... a number of times a particular advertisement is displayed in a *single session or level/location*”

[0045] The data in the active session database 124 records the advertisements that have been delivered to a session, and may serve multiple purposes. For example, the advertising matching and weighting system 220 may use this data along with impression data, also stored in the active session database 124, to allow frequency caps (e.g. a limit as to a number of times a particular advertisement is displayed in a single game session or level/location in the game). Frequency caps may prevent a gamer from being presented with advertisements from the same campaign in excess of a number of times specified within the campaign data. The active session database 124 data may also be used to support multiplayer sessions, etc.

Ex. 1005 (Hays), [0045]

958, Paper 12, at 25-27
958, Paper 26, at 10-12

056, Paper 12, at 26-28
056, Paper 22, at 10-11

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“check for *availability of bandwidth* before sending the updated content”

Claims 8 and 16 of the '056 Patent:
the server “check[s] for availability of bandwidth before sending the updated content to the mobile communication device.”

[0034] With an offline play scenario, advertisements may be downloaded “in the background” during times when the advertisement recipient client **104** is connected to the advertisement management service system **108**, including when the gaming device is performing other tasks, such as executing a different game, operating a web browser, etc. Various applications that run quietly on the advertisement recipient client **104** may be responsible for downloading the advertisements during such times without requiring active user involvement.

Ex. 1005 (Hays), [0034]

056, Paper 12, at 28-29
056, Paper 22, at 11-12

PATENT OWNER'S DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

Hays and Choi Ground 2 – '056 Patent

‘056 Claims 1[e] and 9[d] “the message is pre-selected *based on one of the [claimed] factors....*”

[0086] Identification of a users’ carrier implies a certain demographic. Carrier identity is typically known at application download time. An instrumented application can also communicate its carrier identity by sending a text message to an email address monitored by the ad server; the text message will be sent as an email, and the source address domain will identify the carrier.

[0083] Effective ad targeting is an important function, since poorly targeted ads annoy users and decrease application usage. Ad targeting depends on collection of user demographic and contextual information. A number of tech-

Demographic information can be extracted by monitoring the SMS system. By using an sms gateway; when we receive an sms, we know the user’s carrier based on source sms gateway based on lookup of its ss7 address. We can assign to the user the average demographic information for that carrier (ie, some carriers have users that are older, younger, businesses, family, etc).

Ex. 1006 (Choi), [0083], [0086], [0096]

056, Paper 12, at 32-35
056, Paper 22, at 13

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Hays and Chu
Ground 2 – '958 Patent
Ground 3 – '056 Patent

Claim 3/10 of the '958 Patent

“send[ing] information *to the mobile communication* device regarding the in-game placement location of the content, *the information being part of the updated content.*”

After an online game running on a game console or user computer (client) requests advertising metadata and determines an ad campaign's display rules, schedule, and locations, it requests the advertising assets that represent the advertisement. The content of the messages passed between the client and game server may be in one embodiment an XML message containing ad campaign listing metadata. For

Ex. 1007 (Chu), Col. 14:50-57

958, Paper 12, at 27-31
958, Paper 26, at 12-16

056, Paper 12, at 35-39
056, Paper 22, at 15-19

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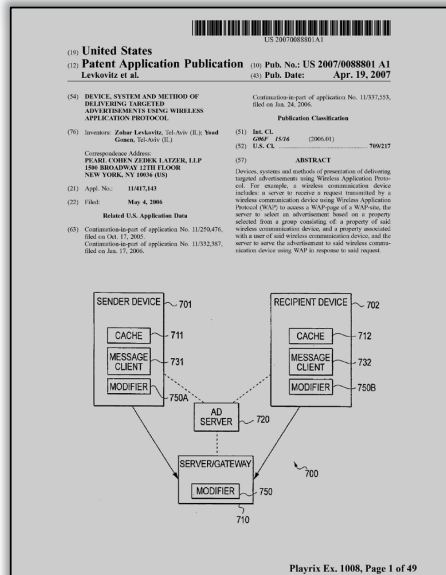
Levkovitz
Grounds 3-4 – '958 Patent
Grounds 4-6 – '056 Patent

Levkovitz Grounds

'958 Patent			
Ground	35 U.S.C.	Challenged Claims	References
3	103	1-2, 4-9, and 11-14	Levkovitz
4	103	3 and 10	Levkovitz and Chu

'056 Patent			
Ground	35 U.S.C.	Challenged Claims	References
4	103	1-16	Levkovitz
5	103	5 and 13	Levkovitz and Chu
6	103	8 and 16	Levkovitz and Choi

Levkovitz – Ex. 1008



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(54) **DEVICE, SYSTEM AND METHOD OF
DELIVERING TARGETED
ADVERTISEMENTS USING WIRELESS
APPLICATION PROTOCOL**

Continuation-in-part of application No. 11/337,553,
filed on Jan. 24, 2006.

Publication Classification

(76) Inventors: **Zohar Levkovitz, Tel-Aviv (IL); Yoad
Gonen, Tel-Aviv (IL)**

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Correspondence Address:
PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036 (US)

(57) **ABSTRACT**

Devices, systems and methods of presentation of delivering targeted advertisements using Wireless Application Protocol. For example, a wireless communication device includes: a server to receive a request transmitted by a wireless communication device using Wireless Application Protocol (WAP) to access a WAP-page of a WAP-site, the server to select an advertisement based on a property selected from a group consisting of: a property of said wireless communication device, and a property associated with a user of said wireless communication device, and the server to serve the advertisement to said wireless communication device using WAP in response to said request.

(21) Appl. No.: **11/417,143**

(22) Filed: **May 4, 2006**

Related U.S. Application Data

(63) Continuation-in-part of application No. 11/250,476,
filed on Oct. 17, 2005.
Continuation-in-part of application No. 11/332,387,
filed on Jan. 17, 2006.

Ex. 1008 (Levkovitz)

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‘056 Claims 1 and 9 “wherein the message is *pre-selected* by the server”

[0129] In one embodiment, communicator 150 may further transmit to device 170, e.g., together with the content item(s) or in a separate transmission, one or more presentation rules associated with the transmitted content items. The presentation rules may include, for example, a capping rule to cap the number of times that a certain content item may be presented, e.g., within a certain time period; a capping rule to cap the number of times that a certain type of content items (e.g., animated content items, large-sized

Ex. 1008 (Levkovitz), [0129]

958, Paper 12, at 40
958, Paper 22, at 20

056, Paper 12, at 39-41
056, Paper 22, at 19-20

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Claims 9-16 – '056 Patent

9. Claims 9-16

Claims 9-16 are analogous method claims to claims 1-8, respectively, and are generally rendered obvious for the same reasons provided above for claims 9-16. The specific mapping of analogous limitations and claims are the same as set forth in Ground 1. *See* Sections IX.A.9-16; *see also* Ex. 1003, ¶205.

Paper 2 (Petition), at 54

B. 9[a]:

1. “pre-selected in-game video game content”

PO erroneously argues the Petition “does not address this [] requirement at all.” POR 41. But the Petition cites back to claim 1, which explains that Levkovitz’s content is pre-selected “based on parameters related to the mobile phone.” Pet. 47.

056, Paper 12, at 41-45
056, Paper 22, at 20-21

Paper 21 (Reply), at 20

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Claims 9-16 – '056 Patent

Levkovitz discloses that after the device requests content from an “ad server,” the “ad server may selectively serve content items to the content client, based on parameters related to the mobile phone, e.g., manufacturer identifier, model identifier, available memory, presentation capabilities, or the like.” Ex. 1008, ¶6. Such parameters, especially the manufacturer and model identifiers, are *factors of a type of mobile communication device*. See also *id.*, ¶126 (“[A]d server 110 may select one or more content items which may be adequately presented by device 170 based on properties of device 170, e.g., *handset model ...*”); Ex. 1003, ¶171.

Paper 2 (Petition), at 47 (addressing element 1[e])

Because the advertisements are selected based on a type of mobile communication device, the presentation rules (*i.e. messages related to content*) are also pre-selected based on a type of mobile communication device. Ex. 1003, ¶187. For example, Levkovitz describes that capping rules, which is an example of a presentation rule, are “pre-defined rules, e.g. *specific* campaign-related rules” that “cap the number of times that a *certain content item* may be presented.” Ex. 1008, ¶¶129, 142. Thus, the server may select an advertisement based on the type of mobile communication device that is also part of a campaign with a specific, pre-defined capping rule. This capping rule is sent to the device with the advertisement. Thus, the capping rule (*i.e. message related to content*) is pre-selected based on the type of mobile communication device. Ex. 1003, ¶187.

Paper 2 (Petition), at 48 (addressing element 1[e])

056, Paper 12, at 41-45
056, Paper 22, at 20-21

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‘958 Claims 1 & 8 / ‘056 Claim 9 – “pre-selected in-game [advertising/video game content] *for use*”

[0005] Some embodiments may provide, for example, contextual and/or non-contextual placement of content, e.g., advertisements or banners, within an application executed by a cellular phone, a mobile phone, or other wireless communication device.

[0090] In some embodiments, for example, said advertisement may include a banner advertisement included in said WAP-page.

Browser **1523** may display the delivered content, and may execute the ad serving functions included in the delivered content. The ad serving functions may, for example, call the ad server **1503** to request one or more advertisements (e.g., banner advertisements) to be included in the WAP-page presented on device **1501**.

Ex. 1008 (Levkovitz), [0005], [0090], [0361]

958, Paper 12, at 35-37
958, Paper 26, at 17-18

056, Paper 12, at 42-45
056, Paper 22, at 20-21

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‘958 Claims 7 & 14 / ‘056 Claims 7 & 15 “track[ing] *the distribution of updated* content.”

[0132] Device **170** may store or otherwise log information related to presentations performed by device **170**, e.g., data indicating the content item(s) presented, data the starting time and/or ending time of the presentations, data indicating operations performed by device **170** and/or the user of device **170** during or after the presentation (e.g., pressing a button, dialing, sending a SMS or MMS message, placing a call, or the like).

Ex. 1008 (Levkovitz), [0132]

958, Paper 12, at 39-41
958, Paper 26, at 18

056, Paper 12, at 46-47
056, Paper 22, at 22-23

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“check for *availability of bandwidth* before sending the updated content”

Claims 8 and 16 of the '056 Patent:
the server “check[s] for availability of bandwidth before sending the updated content to the mobile communication device.”

[0172] Protocol handler **154** may receive content request data, for example, information about device **170**, information about the functional capabilities of device **170**, a handset identifier, device attributes (e.g., Operating System (OS), memory size, application type, etc.), the content request time, last connection time, desired request period (e.g., immediately, once within the next two hours, etc.), and other suitable parameters. Protocol handler **154** may optionally re-format or tailor the content request data using the request reformatter **151** into a format suitable for processing by ad server **110**, for example, having data arranged in accordance with pre-defined fields, records or parameters.

Ex. 1008 (Levkovitz), [0172]

056, Paper 12, at 47-48
056, Paper 22, at 23

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Levkovitz and Chu
Ground 4 – '958 Patent
Ground 5 – '056 Patent

“in-game placement location” [“as part of the updated content” / “of the in-game video game content”]

3. The system of claim 1, wherein the server sends information to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

5. The system of claim 1, wherein the server is further configured to send information to the mobile communication device regarding the in-game placement location of the in-game video game content.

10. The method of claim 8, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of the content, the information being part of the updated content.

13. The method of claim 9, further comprising sending information from the server to the mobile communication device regarding the in-game placement location of in-game video game content.

Ex. 1001 ('958 Patent), Col. 15:22-25, 16:19-22

Ex. 1001 ('056 Patent), Col. 15:39-42, 16:38-41

958, Paper 12, at 41-42
958, Paper 26, at 19

056, Paper 12, at 48-52
056, Paper 22, at 23-24

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After an online game running on a game console or user computer (client) requests advertising metadata and determines an ad campaign's display rules, schedule, and locations, it requests the advertising assets that represent the advertisement. The content of the messages passed between the client and game server may be in one embodiment an XML message containing ad campaign listing metadata. For

Ex. 1007 (Chu), Col. 14:50-57

958, Paper 12, at 41-42
958, Paper 26, at 19

056, Paper 12, at 48-52
056, Paper 22, at 23-24