

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. IPR2024-00209

Patent No. 9,427,662

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED WITH PETITIONER'S PETITION**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner, Flip Phone Games, Inc. (“Patent Owner”) objects as follows to the admissibility of the evidence served with Petitioner’s Petition filed on November 17, 2023.

1004	International Patent Publication WO 2008/008038 to Ho (“Ho”)	Improper Prior Art. Ho is prior art under only pre-AIA § 102(e) and is improper for use in a petition under § 311(b). Ho was filed on July 12, 2006, but did not publish until January 17, 2008 (<i>i.e.</i> , after the June 26, 2007, priority date of the ’662 Patent), and never issued as a patent. Thus, Ho only became a “printed publication” under § 311(b) as of the date it became available to the public— <i>i.e.</i> , after the June 26, 2007, priority date of the ’662 Patent.
1010	Steven Kent, The Ultimate History of Video Games (2001)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1011	Frans Mayra, “Mobile Games,” in the International Encyclopedia of	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

	Digital Communications and Society, 1st ed. (2015)	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence, including because the reference is not prior art to the challenged patent. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1012	N. Leavitt, “Will wireless gaming be a winner?” in Computer, Vol. 36, No. 1, pp. 24-27 (Jan. 2003)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1013	Jason Soh & Bernard Tan, “Mobile Gaming,” in Communications of the ACM, Vol. 51,	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon

	No. 3, pp. 35-39 (Mar. 2008)	which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence, including because the reference is not prior art to the challenged patent. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1014	Michael Zyda et al., “Educating the Next Generation of Mobile Game Developers,” in IEEE Computer Graphics and Applications, Vol. 27, No. 2, pp. 92-96 (Mar./Apr. 2007)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1015	Mark Andrejevic, “Productive Play 2.0: The Logic of In-Game Advertising” in Media International Australia, Vol. 130, No. 1, pp. 66-76 (Feb. 2009)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice,

		confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence, including because the reference is not prior art to the challenged patent. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1016	Ilya Vedrashko, Advertising in Computer Games (Doc. No. 123290221) [Master's Thesis, Mass. Inst. of Technology], DSpace@MIT	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1017	Exit Games, In-Game Advertising Goes Mobile [Press Release] (Mar. 21, 2006)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting

		time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1018	Jussi-Pekka Partanen, Mobile Gaming: A Framework for Evaluating the Industry 2000-2005 (2001)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1021	Forest J. Handford, East Coast Games – Game Development Glossary (Feb. 20, 2006), available at https://web.archive.org/web/20060220024505/http://www.eastcoastgames.com/design/glossary.html	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

		FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1023	Andre LaMothe, Tricks of the 3D Game Programming Gurus (2003)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
1024	Game Hacking Academy, A Beginner's Guide to Understanding Game Hacking Techniques	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence, including because the reference is not prior art to the challenged patent. FRE 802: The exhibit and statements included therein are inadmissible hearsay.

		FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
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Dated: May 16, 2024

Respectfully submitted,

/Michael T. Morlock/

Michael T. Morlock

Reg. No. 62,245

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONER'S PETITION** has been served electronically via email upon the following:

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Dated: May 16, 2024

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