

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

Inter Partes Review No.

IPR2024-00209

Patent No. 9,427,662

**PATENT OWNER'S RESPONSE TO
PETITIONER'S REQUEST FOR DIRECTOR REVIEW**

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The Request spends fifteen pages to address two claims for which the Petition devoted only a single page. The Board did not err, nor abuse its discretion, in finding Petitioner failed to establish those two claims—claims 12 and 20 of U.S. Patent No. 9,427,662 (“the ’662 Patent”)—are unpatentable. Rather, the Board correctly found Petitioner’s short, conclusory challenge insufficient to meet Petitioner’s burden of demonstrating unpatentability. Petitioner’s Request rehashes the same speculative, conclusory arguments that the Board properly considered and rejected as a failed “attempt to make a logical leap, but [without] sufficiently explain[ing] why it is so.” Decision at 45. Thus, no Director Review is warranted.

I. The Petition Sets Forth a Conclusory, One-Page Challenge

Claims 12 and 20 do not simply recite a “first hot spot” and a repetitive “second hot spot,” contrary to Petitioner’s suggestion. *See* Request at 1, 15. Rather, the claims recite a “method for retrieving and displaying a hot spot associated with a video game operable on a mobile communication device” including downloading (and displaying) “hidden content for presenting to the user when the hot spot is activated”—wherein the “hidden content” itself comprises “a second hot spot” within it. ’662 Patent, 14:36–65, 15:25–26; *see id.* at 15:27–16:13, 16:30–31.

The Petition ignored the full scope of these claims—involving a “second hot spot” *within* the “hidden content” of a first “hot spot”—and instead contended that “Jiau discloses and renders obvious” claims 12 and 20 because “Jiau teaches that an

object may be associated with ‘a plurality of hotspots’ (Ex. 1006, Claim 8).” Petition at 55–56. The Petition contended Figure 11(e) of Jiau shows an “object 1192” with a “hotspot link 1194,” which, when activated, displays the “interior of object 1192.” Petition at 56. The Petition contended that the “interior of object 1192,” illustrated in Figure 11(f), “may” potentially “comprise additional hotspots” associated with purported “furniture” therein. Petition at 56. But Jiau never describes such purported “furniture” nor any purported “additional hotspot” therewith, as even the dissent acknowledged. Dissent at 3 (“Jiau does not expressly describe the benches in Figure 11(f) as ‘objects,’”). And Petitioner’s expert added nothing. His declaration “is substantially the same as Petitioner’s argument” Decision at 41; Ex. 1003, ¶206.

II. The Board Did Not Err in Finding Jiau Does Not Disclose, Suggest, or Render Obvious the Claimed “Second Hot Spot”

The Board correctly found that the portions of Jiau cited in the Petition “do[] not support Petitioner’s argument and Dr. Zagal’s opinion that Jiau’s hotspots contain hidden content that is itself a hotspot.” Decision at 42. Petitioner’s Request otherwise is premised on Petitioner’s contention that the unidentified “furniture” illustrated in Figure 11(f) of Jiau (the “interior of object 1192”) is a “second hot spot” in light of “Jiau’s explicit teaching that an object can have a ‘plurality of hotspots.’” Request at 10. The Board, however, fully evaluated and rejected this contention—including on consideration of the full disclosure of Jiau.

Notably, the purported invalidating disclosure in Jiau, that an object can have a “plurality of hotspots,” appears only in claims 8–10 of Jiau. *E.g.*, Ex. 1006, claim 8 (“wherein an object has a plurality of hotspots.”). The Board correctly found that nothing in those claims “teaches or suggests a hotspot having hidden content that is itself a hotspot.” Decision at 42. Rather, Jiau at most “describes an object having multiple hotspots, such as a door and a button.” Decision at 42–43. “There is nothing in [Jiau] that teaches or suggests a hotspot having hidden content that is a hotspot as recited in claim 12 [and claim 20].” Decision at 43.

Examining Jiau as a whole, the Board noted that “Jiau describes how a hotspot can be the entirety of an object (Ex. 1006, 3:27–31) or a portion of an object, such as Jiau Figure 11(d) showing hotspot link [] 1186[] taking up only a portion of object 1184 (*id.* at Fig. 11(d), 15:10–17).” Decision at 43. With respect to the latter, the record includes testimony from Patent Owner’s expert, Dr. Akl—cited by the Board (Decision at 43)—demonstrating that a POSITA would have understood Jiau’s disclosure that an “object” may be associated with “a plurality of hot spots” to mean that an object in Jiau (*e.g.*, a billboard) may be sized such that it may contain—and thereby present to the user in a *single instance*—two or more hotspots (*e.g.*, multiple “push” buttons 1186 in Figure 11(d)). Ex. 2006, ¶¶102–103.

Petitioner’s Request largely ignores this evidence in favor of Petitioner’s speculation that Jiau’s short mention of a “plurality of hotspots” in claim 8 means

that “object 1192” in Figure 11(e) of Jiau includes both (i) “hotspot link 1194” (on the exterior of the object) and (ii) another, subsequent hotspot associated with the “furniture” in Figure 11(f), viewable only after activation of “hotspot link 1194.” *See* Request at 10–11, 14. The Board, however, rejected this argument upon review of the full record. In particular, the Board found: “Nothing in Jiau’s specification indicates that the pieces of furniture shown in Jiau Figure 11(f) are either objects or have hotspots associated with them. Indeed, the specification is silent about the furniture and Jiau Figure 11(f) does not contain any item identification numbers pointing to the furniture.” Decision at 44 (internal citations omitted).

Tellingly, Jiau—which uses the term “hotspot” nearly 100 times throughout its disclosure—does not identify any “hotspot” in the “interior view” of object 1192 in Figure 11(f). *See* Ex. 1006 at 15:18–16:2; Fig. 11(e). Rather, Jiau describes Figure 11(f), including any furniture therein, as simply an “interior *view*” of object 1192—as opposed to another object itself, let alone another hotspot. Ex. 1006 at 15:22–24 (emphasis added). And “[o]ther portions of [Jiau’s] specification are similarly silent about there being hotspots inside the interior of an object.” Decision at 44.

In its Request, Petitioner suggests that this absence of disclosure in Jiau is immaterial because a POSITA would nevertheless understand Figure 11(f) of Jiau to disclose, or suggest, “objects” that “may be associated with hot spots.” Request at 11; *see* Petition at 56; Ex. 1003, ¶206. Petitioner, however, “may not resort to [such]

speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis.” *In re Warner*, 379 F.2d 1011, 1017 (C.C.P.A. 1967). Indeed, Petitioner’s speculation is belied by Jiau, which notes that “solid objects”—like a piece of furniture in the real world, for example—“would not have a hot spot,” as acknowledged by even the dissent. Dissent at 3 (citing Ex. 1006 at 11:19–20).

Dr. Zagal’s purported testimony is also insufficient because it simply repeats Petitioner’s conclusory argument verbatim. Ex. 1003, ¶206; *see Content Square SAS v. Medallia Inc.*, IPR2022-00316, Paper 13, at 38 (P.T.A.B. July 14, 2022); *see also* Decision at 45 (finding Dr. Zagal’s testimony “not credible”). Moreover, neither Petitioner nor Dr. Zagal cites any evidence in support of their (identical) speculative conclusion. Petition at 56; Ex. 1003, ¶206. As such, and as correctly noted by the Board, “Dr. Zagal and Petitioner attempt to make a logical leap, but do not sufficiently explain why it is so.” Decision at 45. This is necessarily insufficient.

And as correctly noted in its Decision, the Board is bound by this short, conclusory theory set forth in the Petition. Decision at 45 (citing *SAS Inst. Inc. v. Iancu*, 584 U.S. 357, 363 (2018)). This is fatal, as “the Petition lacks any argument as to why a [POSITA] would modify Jiau” “to add a hot spot [] to an activated hot spot [], such as the interior of a building.” Decision at 45; *see* Petition at 55–56. The Board thus did not err, nor abuse its discretion, in rejecting the undisclosed “blank room” obviousness theory Petitioner sets forth in its Request. *See* Request at 15.

Dated: June 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S RESPONSE TO PETITIONER'S REQUEST FOR DIRECTOR REVIEW** has been served via email on the following:

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