

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

ZYNGA INC.,

Defendant.

C.A. No. 22-590-GBW

PARTIAL JUDGMENT FOLLOWING JURY VERDICT

Pursuant to the JURY VERDICT of September 13, 2024 (D.I. 528) and the Court's Order regarding patent eligibility of U.S. Patent No. 8,315,904 (D.I. 75), JUDGMENT is hereby entered under Federal Rules of Civil Procedure 54(b) and 58 as follows:

1. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga that Zynga infringed claims 8 and 13 of U.S. Patent No. 7,072,849 through its Crosswords With Friends, CSR Racing 2, Empires & Puzzles, Farmville 2, Farmville 2: Country Escape, Farmville 2: Tropic Escape, Farmville 3, Harry Potter: Puzzles & Spells, Hit It Rich!, and Wizard of Oz Slots games.
2. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga that Zynga's infringement of U.S. Patent No. 7,072,849 was willful.
3. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga with respect to Zynga's defenses that Claims 8 and 13 of U.S. Patent No. 7,072,849 are invalid.
4. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga for damages in the amount of \$40,000,000.00, together with interest and costs as will be fixed by

the Court, for Defendant's infringement of claims 8 and 13 of U.S. Patent No. 7,072,849.

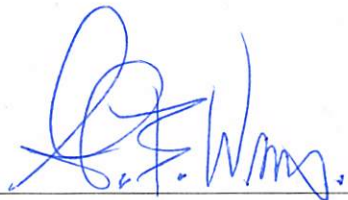
5. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga that Zynga infringed Claim 1 of U.S. Patent No. 7,702,719 through its Empires & Puzzles game.
6. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga with respect to Zynga's defense that Claim 1 of U.S. Patent No. 7,702,719 is invalid.
7. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga for damages in the amount of \$4,900,000.00, together with interest and costs as will be fixed by the Court, for Defendant's infringement of claim 1 of U.S. Patent No. 7,702,719.
8. Judgment is entered in favor of Plaintiff IBM and against Defendant Zynga with respect to Zynga's defense that Claim 13 of U.S. Patent No. 7,072,849 is not patentably distinct from the claims of U.S. Patent No. 7,047,209.
9. Judgment is entered in favor of Defendant Zynga and against Plaintiff IBM with respect to Zynga's defense that claims 1-21 of U.S. Patent No. 8,315,904 are directed to patent-ineligible subject matter under 35 U.S.C. § 101. *See* D.I. 74 (Memorandum), D.I. 75 (Order).

Because proceedings relating to IBM's claim for infringement of U.S. Patent No. 7,631,346 ("the '346 Patent") remain stayed, pursuant to Federal Rule of Civil Procedure 54(b), the Court expressly finds that there is no just reason to delay entering final judgment of the remaining claims and defenses, including the claims and defenses identified above, for at least the following reasons. *First*, the '346 Patent is a separate patent in a separate family from the patents that are the subject of this final judgment. *Second*, because the '346 Patent is a separate patent in a separate family, the possibility that the reviewing Court would be obliged to consider the same issues in a

later appeal for that patent is remote. *Third*, the validity of certain claims of the '346 Patent remains an issue on appeal before the Federal Circuit, and the date that appeal will be completed is uncertain.

This Judgment is subject to modification following the Court's consideration of the parties' post-trial motions and briefing.

Dated: September 24, 2024

A handwritten signature in blue ink, appearing to read "G.B. Williams", is written over a horizontal line.

Hon. Gregory B. Williams
United States District Judge