

Filed on behalf of Meta Platforms, Inc.

Filed: August 13, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

MULLEN INDUSTRIES, LLC,
Patent Owner

Case No. IPR2025-00703
U.S. Patent No. 11,033,821

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

The Board should reject the erroneous construction by Patent Owner (“PO”) limiting “**physical playfield**” to a “bounded physical play space.” The “bounded” limitation is unsupported, and it is contradicted by the specification which specifically teaches embodiments that are not bounded. If construction is needed, the term encompasses both a defined physical playfield and the physical world.

I. A “PHYSICAL PLAYFIELD” CAN BE UNBOUNDED AND ENCOMPASSES BOTH A DEFINED PHYSICAL PLAYFIELD AND THE PHYSICAL WORLD

PO’s construction would wrongly exclude disclosed embodiments of a “physical playfield” that are not bounded, such as a physical “world,” or a “park,” or other “perimeterless” or “open area.” *Kaufman v. Microsoft Corp.*, 34 F.4th 1360, 1372 (Fed. Cir. 2022) (excluding an embodiment is “rarely, if ever correct and would require highly persuasive evidentiary support”). For example, the specification explicitly contrasts a “defined,” “pre-defined,” or “user-defined” physical playfield with a physical playfield that encompasses “the world.” (EX1001, 8:8-12, 8:40-45, 19:42-44.) The “bounded” limitation would also wrongly exclude disclosed embodiments where the physical playfield can be other open and unbounded areas, such as a backyard (*id.*, 3:21-23), park in Japan (*id.*, 3:21-23, 3:54-56), city (*id.*, 8:50-70), or some other “perimeterless” (*id.*, 13:54-63) or “open area” (*id.*, 9:4-11).

II. THE INTRINSIC RECORD DOES NOT SUPPORT PATENT OWNER

There is no merit to PO's argument that a "bounded" limitation is necessarily required by a supposed goal of improving the safety of virtual reality systems. (POPR, 4-9.) The specification and claims describe a location-based game that may employ a completely visible or semi-visible physical playfield, where the user can see their physical surroundings in gameplay, making a "bounded" physical playfield unnecessary. (*E.g.*, EX1001, 2:37-3:10, 3:42-4:3, 13:64-67, 14:35-42, 28:33-46 (claim 78).) The specification only describes the visible or semi-visible environment as the safety feature that allows a user to "move very quickly without the worry of tripping over the physical playfield (e.g., tripping over a rock)," thus allowing a user to play the game on playfields such as a "rocky field." (*Id.*, 14:35-42.) There is no support in the specification that a bounded physical playfield is an additional safety feature to address the problem of a "user tripping or bumping into a physical object" as PO argues. (POPR, 7-8.)

PO also argues that a bounded physical playfield allows for such features as a bounded grid showing correspondence between virtual and physical playfields, icon alerts when a user goes out of bounds, and customizable physical playfield dimensions. (POPR, 8-12; *see also id.*, 15-16.) But these few embodiments do not justify importing a "bounded" limitation into the claims. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) ("[A]lthough the specification often

describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments.”). The independent claims do not even recite grid features, out-of-bounds alerts, or customizable dimensions, and PO does not explain why the term should require such features. Importantly, importing the “bounded” limitation would exclude other disclosed embodiments, including an “open area” (EX1001, 9:4-11) or “perimeterless” area (*id.*, 13:54-63).

PO argues further that a physical playfield must be bounded because a user is able to establish the origin or direction of gameplay. (POPR, 12-15.) But PO provides no explanation as to why these features necessitate a bounded physical playfield. For example, as the specification explains, that an origin setting may correspond to “the longitude and latitude of the location of a user in *the world*,” rather than a bounded physical playfield. (EX1001, 8:40-45 (emphasis added).)

III. EXTRINSIC EVIDENCE DOES NOT SUPPORT PATENT OWNER

PO's cited general purpose dictionaries are irrelevant and do not consistently limit a play “field” to a bounded area. (POPR, 17.) PO also acknowledges that the claimed “physical playfield” is different from a real world “field” because “the physical playfield boundaries *need not be hard physical boundaries* like the safety rails of the prior art.” (POPR, 9 (emphasis added).) As such, the dictionary definitions are not informative about the meaning of the claimed “playfield,” especially given the broad meaning explicitly taught by the specification.

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Respectfully submitted,

By: /Lisa K. Nguyen/
Lisa K. Nguyen (Reg. No. 58,018)
PAUL HASTINGS LLP
1117 S. California Avenue
Palo Alto, CA 94304
Telephone: 650-320-1800
lisanguyen@paulhastings.com

Counsel for Petitioner
META PLATFORMS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE** is being served on August 13, 2025 by electronic mail on Patent Owner's counsel of record listed below, pursuant to its Mandatory Notices:

Peter F. Snell (Reg. No. 52,235)
**MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.**
919 Third Avenue
New York, New York 10022
Telephone: 212-692-6850
Facsimile: 212-983-3115
E-mail: PFSnell@mintz.com
E-mail: BMScheller@mintz.com

Reza Dokhanchy (Reg. No. 62,795)
**MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.**
3580 Carmel Mountain Rd Suite 300,
San Diego, CA 92130
Telephone: 858-314-1596
Facsimile: 858-314-1501
E-mail: RDokhanchy@mintz.com

Dated: August 13, 2025

Respectfully submitted,

By: /Lisa K. Nguyen/
Lisa K. Nguyen (Reg. No. 58,018)
PAUL HASTINGS LLP
1117 S. California Avenue
Palo Alto, CA 94304
Telephone: 650-320-1800
lisanguyen@paulhastings.com

Counsel for Petitioner
META PLATFORMS, LLC