

Appendix D
Infringement of U.S. Patent No. 8,529,336 (“336 Patent”) By Accused Products¹
Milestone Entertainment, LLC’s Infringement Contentions

Milestone Entertainment, LLC (“Milestone”) contends that Activision Blizzard, Inc. (“Activision”) infringes at least the following claims of the U.S. Patent No. 8,529,336: 1, 3, 4, 5, 13, 18, 19, 20, 24, 25, 26, 29, 42, 44, 45, 46, 47, 50.

Activision directly infringes at least claims 1, 3, 4, 5, 13, 18, 19, 20, 24, 25, 26, 29, 42, 44, 45, 46, 47, 50 under 35 U.S.C. § 271(a), as set forth in Milestone’s Infringement Contentions.

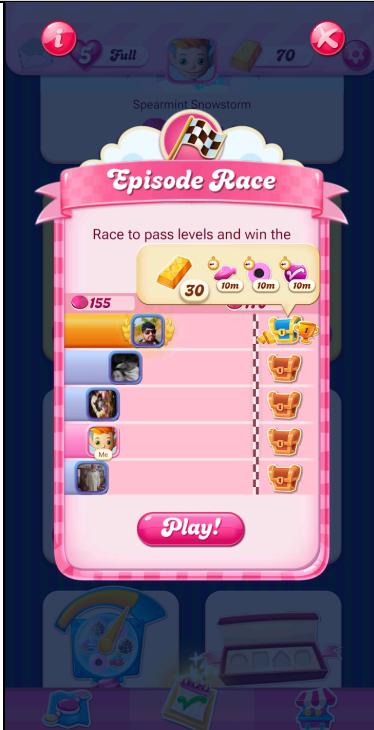
Activision induces direct infringement of at least claims 1, 3, 4, 5, 13, 18, 19, 20, 24, 25, 26, 29, 42, 44, 45, 46, 47, 50 under 35 U.S.C. § 271(b), as set forth in Milestone’s Infringement Contentions.

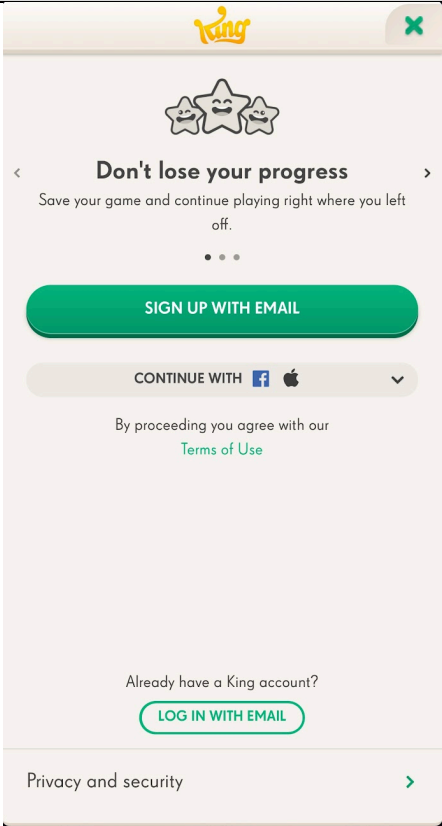
The following claim chart containing exemplary disclosures is based on the information presently available to Milestone. Milestone’s investigation of the case continues, and Milestone reserves the right to supplement this claim chart as appropriate.

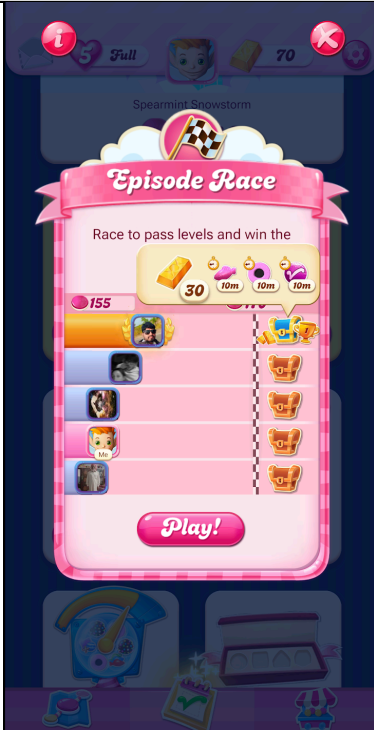
¹ The “Accused Products are Defendant’s “Candy Crush” casual games, including “Candy Crush Saga,” “Candy Crush Friends Saga,” “Candy Crush Jelly Saga,” and “Candy Crush Soda Saga”. Milestone’s contentions concerning Candy Crush Saga are representative of infringement by all Candy Crush Accused Products, because each utilizes variable parameters to modify game odds or prizing so as to achieve a set of mandated parameters, and utilizes virtual currencies in a manner not different from Candy Crush Saga for purposes of infringement.

Claim Language	Infringement Evidence
1. A method for electronic interaction with users of the system through a series of interactions, comprising the steps of:	Even if the preamble is limiting, it is met by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(pre) (Appendix A)
1(a) receiving mandated parameters, the mandated parameters being those which must be achieved by the system as a whole,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(a), 1(b) (Appendix A)
1(b) storing in a memory coupled to the input at least the mandated parameters,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(a) (Appendix A)
1(c) processing in a processing system coupled to the memory for implementing the mandated parameters by utilizing variable parameters, the processing system utilizing the variable parameters to achieve the mandated parameters,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(g), 1(h) (Appendix A)
1(d) storing information regarding particular game play events as determined by the processor,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c) (Appendix A)
1(e) generating presentations for at least displaying game play events,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c) (Appendix A)
1(f) performing game analytics on the game play events, and	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(i) (Appendix A)
1(g) varying the displays presented to the user to achieve the mandated parameters.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(g) (Appendix A)
3. The method for electronic interaction with users of the system of claim 1 wherein the users interaction with the system at least in part determines the outcome of an individual game.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(h) (Appendix A)
4. The method for electronic interaction	This limitation is met by the Accused Products. On information and belief, the Accused

Claim Language	Infringement Evidence
with users of the system of claim 1 wherein the mandated parameters are selected from the group consisting of: prize pay out and win rates.	Product utilizes a desired rate of wins as the basis to modify variable parameters, including game probabilities, to achieve such mandated parameter. <i>See 279 Patent, limitation 1(g), 1(h) (Appendix A)</i>
5. The method for electronic interaction with users of the system of claim 1 wherein the variable parameters are selected from the group consisting of: game selection and game structure.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(h) (Appendix A)
12. The method for electronic interaction with users of the system of claim 1 wherein one or more association groupings enable games between multiple users.	This limitation is met by the Accused Products. Specifically, the Accused Products group players into competitive pairings with other users, either real or virtual, tracks player progress as compared to other players, and determines winners and losers.

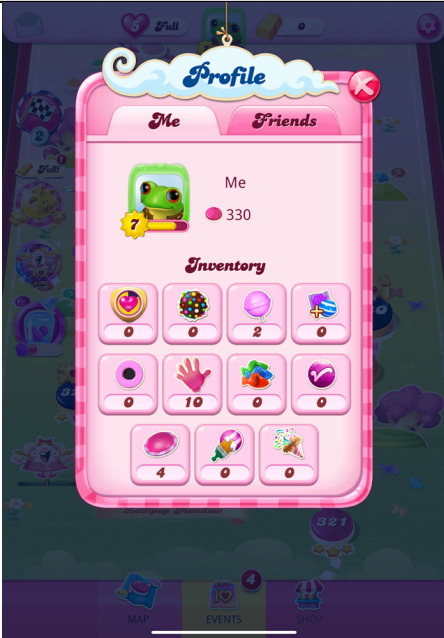
Claim Language	Infringement Evidence
	
13. The method for electronic interaction with users of the system of claim 12 wherein the association groupings are competitive game play pairings.	This limitation is satisfied by the Accused Products for the reasons stated in connection with Claim 12, above.
18. The method for electronic interaction with users of the system of claim 1 further including user registration.	This limitation is met by the Accused Products. Specifically, the Accused Products provide screens and functionality for users to create user accounts using the application.

Claim Language	Infringement Evidence
	
19. The method for electronic interaction with users of the system of claim 18 wherein the user registration is an on line registration system.	This limitation is satisfied by the Accused Products for the reasons stated in connection with Claim 18, above.
20. The method for electronic interaction with users of the system of claim 1 further including a leader board.	This limitation is met by the Accused Products. Specifically, the Accused Products provide various leader boards comparing user statistics with those of other users, including screens displaying users in ranked order.

Claim Language	Infringement Evidence
	
24. The method for electronic interaction with users of the system of claim 1 wherein the game play analytics includes a decision engine to maximize game play.	This limitation is met by the Accused Products. On information and belief, the Accused Products utilize a desired rate of wins (or the loss rate, which is equivalent) as the basis to modify variable parameters, including game probabilities, to achieve such mandated parameter. <i>See 279 Patent, limitations 1(g), 1(h) (Appendix A)</i>
42. The method for electronic interaction with users of the system of claim 1 further including the step of limiting use to geographic presence of users within a given area.	This limitation is met by the Accused Products. On information and belief, the Accused Products limit game play to users in specific geographic areas. For example, the Accused Products restrict game play in accordance with regional regulations which require a minimum age for game play.

Claim Language	Infringement Evidence
	<i>See, e.g.,</i> MI00002633-MI00002636 (https://community.king.com/en/candy-crush-saga/discussion/353328/regional-regulations-blocking)
44. The method for electronic interaction with users of the system of claim 1 further including the step of providing an applet for a remote communications device.	This limitation is met by the Accused Products. For example, Defendant makes available applications for download on the Google Play store for Android devices, including mobile phones and tablets, and the Apple App store for iOS devices, including mobile phones and tablets.
45. The method for electronic interaction with users of the system of claim 44 wherein the communications device is a wireless communications device.	This limitation is satisfied by the Accused Products for the reasons stated in connection with Claim 44, above. Each of the devices for which the Android and iOS applications are made available have wireless communications capabilities.
46. The method for electronic interaction with users of the system of claim 44 wherein the communications device includes graphical display capability.	This limitation is satisfied by the Accused Products for the reasons stated in connection with Claim 44, above. Each of the devices for which the Android and iOS applications are made available have graphical display capabilities, which are necessary for game play.
47. The method for electronic interaction with users of the system of claim 46 device is a wireless communications device with graphical display capability.	This limitation is satisfied by the Accused Products for the reasons stated in connection with Claims 44 and 45, above.
50. The method for electronic interaction with users of the system of claim 1 further including the step of providing a user's club.	This limitation is met by the Accused Products. Specifically, registered users may track various aspects of their game play, including progression through the game, their virtual currency amounts, and special items.

Claim Language	Infringement Evidence
	 The screenshot displays a game interface with two main panels. The left panel shows a player profile for a character named 'Player' with 160 coins and a location of Egypt. It includes a 'Request sent' button and a stats section for the last 7 days: Levels won (12), Lives sent (0), and Color Bombs combined (0). Below this are general stats: Current login streak (3), Current win streak (0), and Last Race (5). The right panel features a 'Daily Deal' for \$3.99 and a 'Popular' section for \$5.99, both offering various in-game items. At the bottom, there are three more purchase options: \$1.99, \$7.99, and \$14.99.

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	 The screenshot displays a game profile interface. At the top, the word 'Profile' is written in a stylized font. Below it, there are two tabs: 'Me' and 'Friends'. The 'Me' tab is selected, showing a character icon of a green frog-like creature with a yellow star and the number '7' next to it. To the right of the character icon, the name 'Me' is displayed, followed by a pink coin icon and the number '330'. Below this, the word 'Inventory' is written. The inventory is a grid of 12 slots, each containing a different item icon and a number. The items and their counts are: a yellow coin (0), a green gem (0), a pink gem (2), a blue gem (0), a purple gem (0), a red gem (10), a green gem (0), a blue gem (0), a pink gem (4), a green gem (0), a blue gem (0), and a purple gem (0). The background of the screen is dark with various game-related icons and text.