

Appendix C
Infringement of U.S. Patent No. 11,335,164 (“164 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. 11,335,164: 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 15, 19, 23, 24, 29.

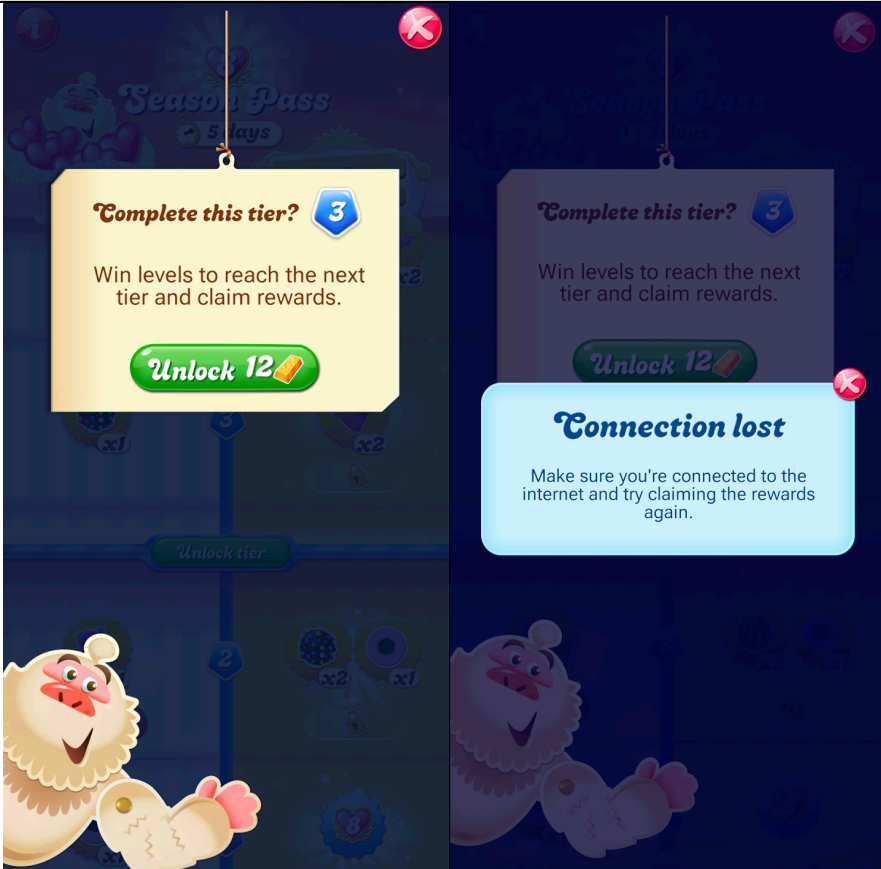
Activision directly infringes at least claims 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 15, 19, 23, 24, 29 under 35 U.S.C. § 271(a), as set forth in Milestone’s Infringement Contentions.

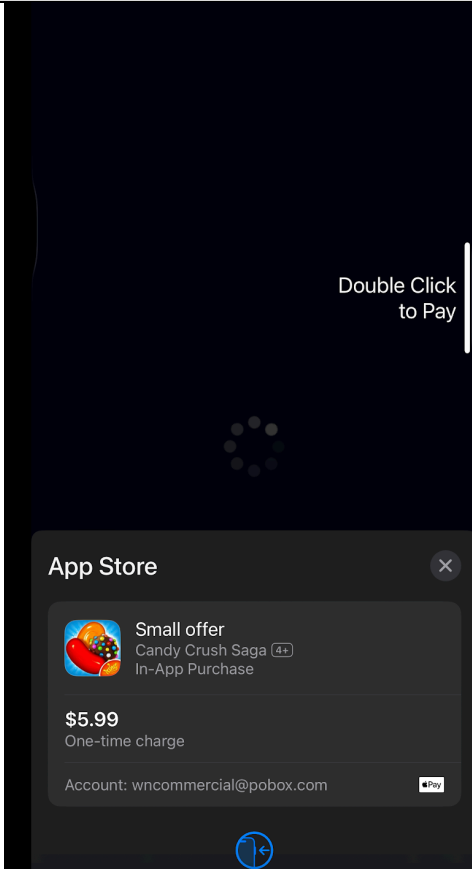
Activision induces direct infringement of at least claims 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 15, 19, 23, 24, 29 under 35 U.S.C. § 271(b), as set forth in Milestone’s Infringement Contentions.

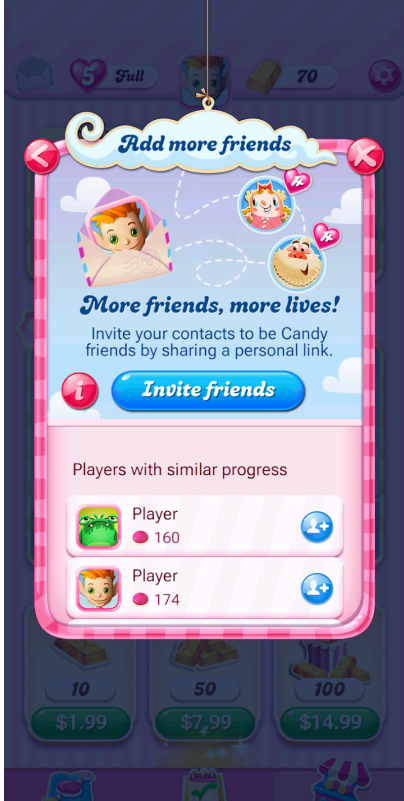
The following claim chart containing exemplary disclosures is based on the information presently available to Milestone. Milestone’s investigation of the case continues, and Milestone reserves the right to supplement this claim chart as appropriate.

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
<p>1. A system for electronic game play involving one or more remote users of a system in an electronic environment, the remote users utilizing electronic communication devices having display capabilities, the electronic communication devices having input capability and generate an output corresponding to the input, the electronic communication devices having storage to store information from a remote source, comprising:</p>	<p>Even if the preamble is limiting, it is met by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 1 (Appendix A). Specifically, the Accused Products are played by remote users on electronic communication devices including Android and iOS mobile phones and tablets, each of which have input and output capabilities, including graphical displays, as well as storage.</p> 
<p>1(a) a server including memory to process and store:</p>	<p>This limitation is satisfied by the Accused Products. On information and belief, the Accused Products rely on data stored on remote servers, including the data recited in limitations 1(b) – 1 (d). The presence and use of the claimed server can be inferred from the requirement of an Internet connection to access certain game play functions, including in-game purchases.</p>

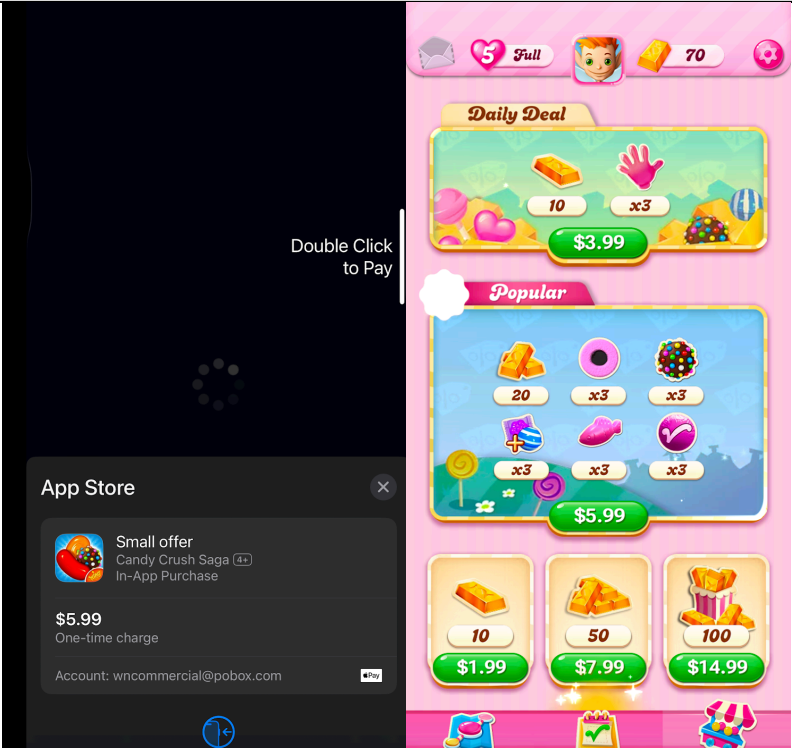
Claim Language	Infringement Evidence
	
1(b) registration user information of the remote users,	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 336 Patent, Claim 18 (Appendix E).
1(c) payment information of the remote users, and	This limitation is satisfied by the Accused Products. Payment information for the remote users is stored remotely, on servers owned or operated by or on behalf of Defendant.

Claim Language	Infringement Evidence
	
<p>1(d) mandated and variable parameters for use in the course of game play, wherein the mandated parameters represent parameters which must be achieved by the system as a whole, and the variable parameters represent parameters characterizing at least one of: a game structure and a prizing</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(b) (Appendix A).</p>

Claim Language	Infringement Evidence
<p>structure,</p> <p>1(e) a communication interface adapted to couple bi-directional communications between the one or more remote users utilizing electronic communication devices,</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 336 Patent, Claim 44 (Appendix E). On information and belief, the Accused Products when installed on a computing platform provide for bidirectional communication between users, intermediated by servers owned or operated by or on behalf of Defendant.</p> 
<p>1(f) a game processor coupled to memory generating game play information, the game processor</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c) (Appendix A).</p>

Claim Language	Infringement Evidence
providing at least:	
<p>1(g) the game play information including game play with virtual money (vCoins),</p>	<p>This limitation is satisfied by the Accused Products. For example, the Accused Products use virtual money, including “Gold Bars.” The money is “virtual” because it has no real world counterpart, and no consistently defined relationship to any real currency.</p> 

Claim Language	Infringement Evidence
	 <p>The screenshot shows a game interface with a pink border. At the top, there's a score of 100140 and a cherry icon with the number 1. A speech bubble says "You are so close! You only need 1 more collectible." Below this, a pink banner says "So close!" with a "Give up" button. Two yellow boxes offer rewards: "+5" and "+2" (three times). Each box has a "Play on" button. The left "Play on" button is green with a gold coin icon and the number 10. The right "Play on" button is purple with a "Watch ad" button and a small icon.</p>
<p>1(h) the virtual money (vCoins) being acquired in response to a purchase utilizing the payment information of the users,</p>	<p>This limitation is satisfied by the Accused Products. For example, the Accused Products use virtual money, including “Gold Bars,” which can be acquired using the users’ payment information.</p>

Claim Language	Infringement Evidence
	
<p>1(i) the virtual money (vCoins) acquired in response to a purchase being subject to a multiplier,</p>	<p>This limitation is satisfied by the Accused Products. For example, the Accused Products permit purchase of virtual money, including “Gold Bars,” that is subject to a multiplier. For example, the amount of virtual currency that may be purchased using larger amounts of real money is disproportionately greater than in comparison to lower real money amounts.</p>

Claim Language	Infringement Evidence
	
<p>1(j) implementing a first set of variable parameters to provide a first game play experience, and</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(a), 1(f) (Appendix A).</p>
<p>1(k) modifying the variable parameters to provide a second set of variable parameters providing a second game play experience, where the first game play experience differs from the second game play experience,</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitations 1(f), 1(g) (Appendix A).</p>
<p>1(l) memory storing account information which varies through game</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c), 1(d) (Appendix A).</p>

Claim Language	Infringement Evidence
play,	
1(m) a decision engine for performing game analytics on the game play, and	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitations 1(e), 1(i) (Appendix A).
1(n) a prizing system to award a win to the one or more remote users determined by a prizing structure.	<p>This limitation is satisfied by the Accused Products. For example, the Accused Products determine a “win,” such as advancing to the next game level, or winning mini game, when certain game conditions are met.</p> <div data-bbox="940 488 1711 1170"> </div>

Claim Language	Infringement Evidence
	
<p>2. The system for electronic game play involving one or more remote users of a system in an electronic environment of claim 1 wherein the server further includes player's club information.</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitations 1(d), 1(j) (Appendix A).</p>
<p>4. The system for electronic game play of claim 2 wherein the player's club information includes information on non-cash amounts.</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitations 1(d), 1(j) (Appendix A).</p>
<p>5. The system for electronic game play of claim 1 wherein the game processor</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitations 1(g), 1(h), 1(i)(ii) (Appendix A).</p>

Claim Language	Infringement Evidence
utilizes a threshold value to change from the first game play experience to the second game play experience.	
6. The system for electronic game play of claim 5 wherein the threshold value includes information on length of time played.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 28 (Appendix A).
7. The system for electronic game play in an electronic environment of claim 5 wherein the threshold value includes information on frequency of play.	This limitation is satisfied by the Accused Products. On information and belief, the Accused Products use information regarding users' frequency of play as a criterion for changing the variable parameters that define game odds, structure, and/or prizing – for instance, offering incentives to play (such as “bonus items”) when a user has not played the game with sufficient frequency.

Claim Language	Infringement Evidence
	 <p data-bbox="751 963 1377 995"><i>See 279 Patent, Claims 26, 28, 29 (Appendix A).</i></p>
<p data-bbox="205 1040 701 1179">9. The system for electronic game play of claim 5 wherein the threshold value includes information on the number of plays since a last win.</p>	<p data-bbox="751 1040 1892 1247">This limitation is satisfied by the Accused Products. On information and belief, the Accused Products use information regarding how many times the user has attempted the game since their last win as a criterion for changing the variable parameters that define game odds, structure, and/or prizing – for instance, offering additional bonus items that will assist the player in obtaining a win result, or altering the game odds to increase the likelihood of a win result.</p>

Claim Language	Infringement Evidence
	<div data-bbox="1150 228 1497 919" data-label="Image"> </div> <p data-bbox="751 959 1373 992"><i>See 279 Patent, Claims 26, 28, 29 (Appendix A).</i></p>
<p>11. The system for electronic game play of claim 1 wherein the first set and second set of variable parameters are set based on a comparison of game play information across multiple users devices.</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 5 (Appendix A).</p>
<p>12. The system for electronic game play of claim 1 wherein the game play information includes information on a loss.</p>	<p>This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 6 (Appendix A).</p>

Claim Language	Infringement Evidence
13. The system for electronic game play of claim 1 wherein the game play information includes information on a series of outcomes.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 7 (Appendix A).
15. The system for electronic game play of claim 1 wherein the game play information includes information on a first game play event.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 9 (Appendix A).
19. The system for electronic game play of claim 1 wherein the game play information includes information tracking the users play.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c), and Claim 13 (Appendix A).
23. The system for electronic game play of claim 1 wherein the prizing structure is modified by modifying bonus prizing.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 17 (Appendix A).
24. The system for electronic game play of claim 1 wherein the prizing structure is modified by modifying awarding of non-cash prizes.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, Claim 18 (Appendix A).
29. The system for electronic game play of claim 1 wherein the decision engine for game analytics tracks user specific play.	This limitation is satisfied by the Accused Products for the reasons stated in connection with the 279 Patent, limitation 1(c), and Claim 13 (Appendix A).