



Petitioner's Demonstratives

Activision Blizzard, Inc. v. Milestone Entertainment, LLC.
June 23, 2026

IPR2025-00711
U.S. Patent No. 11,335,164

Agenda

Overview

The '164 Patent

State of the Art

Relevant Asserted Prior Art

Kelly683

Walker

Disputed Limitations

“threshold value includes information on frequency of play” (dependent claim 7)

“threshold value includes information on the number of plays since a last win” (dependent claim 9)

Overview

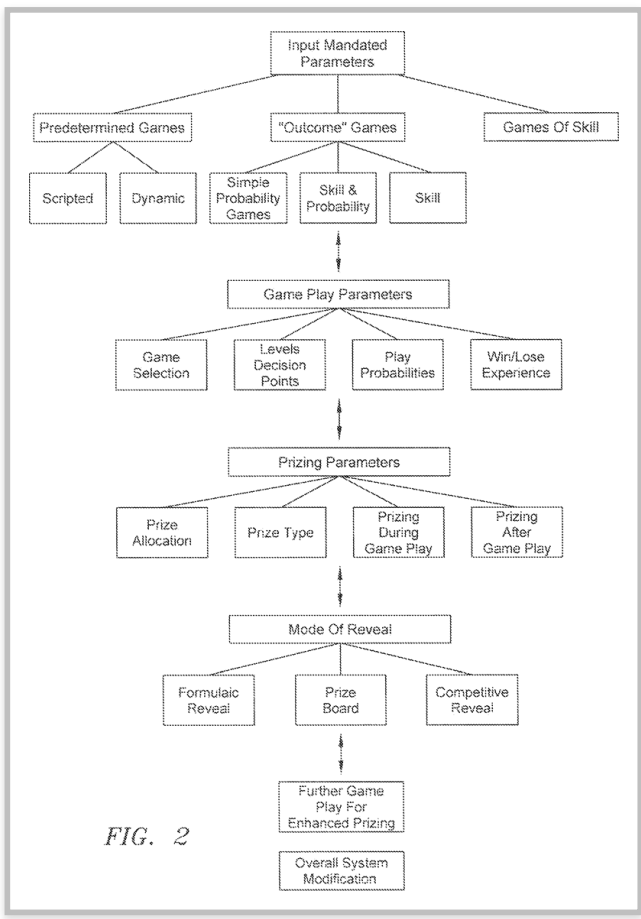
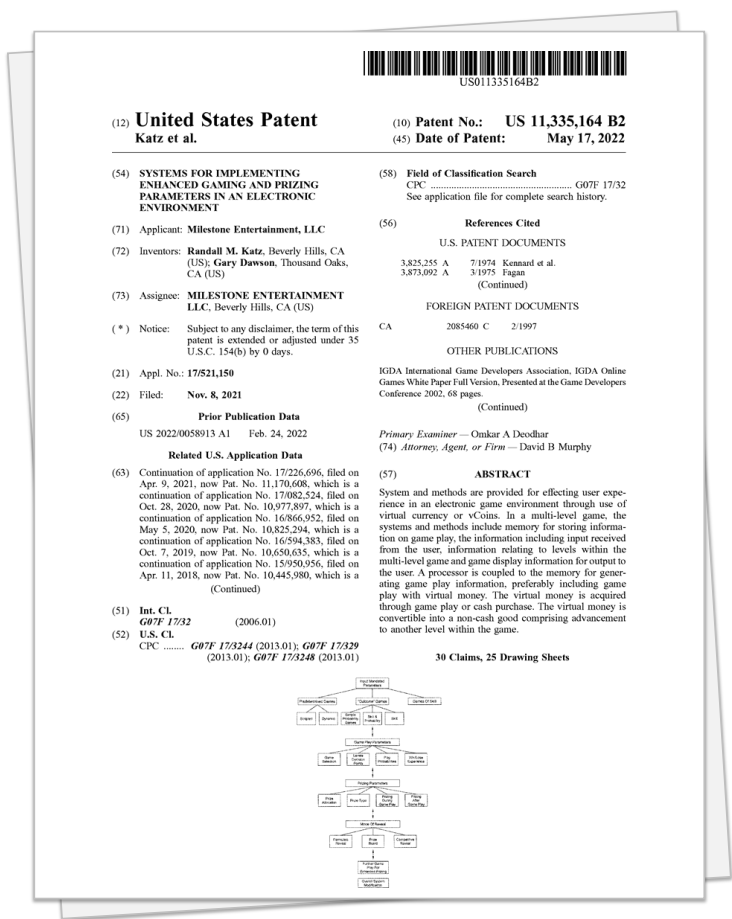
The '164 Patent

The Purported Invention

Systems and methods to enhance
player participation by use of
mandated and variable parameters.

Pet., 7

The '164 Patent



EX1001, Fig. 2

State of the Art

Networked Gaming Systems Have Been Around Since the 1980's

Gaming systems have included progressive systems in which the machines are linked together so that, in addition to the normal games played on the gaming machines, players can compete for an additional prize. One type of progressive gaming system is described, for example, in U.S. Pat. No. 4,837,728, issued Jun. 6, 1989, and assigned to International Game Technology.

EX1015, 7 ('076, 1:10-16)

Pet., 5; EX1003 (Crevelt Decl.) ¶51

Virtual Money Has Been a Mainstay in Electronic Gaming for Decades

M59 was quite small by contemporary standards; current VWs can support several thousand users simultaneously on a single server. The first VW on this scale was Ultima Online (UO), launched in Fall 1997. UO is owned by Electronic Arts, a California-based publicly-traded software company with 3,600 employees and \$1.3 billion in annual revenues.⁶ Its popularity led to the development of other VWs, especially Sony/Verant Interactive's Everquest, launched in Spring 1999 and now the industry leader in terms of subscriptions. Everquest undergoes its third major expansion in December 2001. Microsoft entered the competition in Spring 2000 with Asheron's Call. Recent new competitors include Anarchy Online, released in June 2001 by Funcom, a 120-employee Norwegian company, and Dark Age of Camelot, by Mythic Entertainment, a small Washington DC company. The first VW *not* based on killing and adventuring will appear in 2002, when Electronic Arts releases The Sims Online.

EX1022, 8

a gross national product, and a floating exchange rate, has an economy. By this standard, the new virtual worlds are absolutely real.¹⁶ In this section I will document the existence of an economy in Norrath, the VW of the game Everquest. My report on Norrath will

* * *

experience, well on the way to the maximum of 60. Moreover, the typical avatar has banked thousands of platinum pieces – PP, Norrath's currency – in cash and assembled hundreds of thousands of platinum pieces worth of equipment. If we use the black market exchange rate of about 0.01 dollar per PP (more on this below), these wealth holdings

EX1022, 18, 25

volume of this trade. However, records at one web site show that on an ordinary weekday (Thursday, September 6, 2001), the total volume of successfully completed auctions (N = 112) was about \$9,200.³² A further \$3,700 in currency transactions (N = 32) were conducted. At an annual pace, these figures put the gross exports of goods and currency at more than \$5 million, about 3.5 percent of gross annual output (see below). This

EX1022, 31

Pet., 6; EX1003 (Crevelt Decl.) ¶¶57-91

Virtual Money Is Equivalent to Promotions, Points, and Cashless Gaming

tracking systems with virtual money. Virtual money could take the form of promotions, points, and cashless gaming. Such features often permitted players to transfer credits between a gaming machine and an account on a host computer

* * *

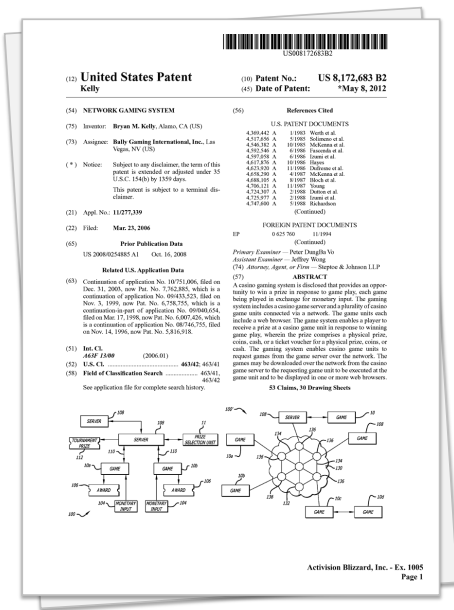
goals. The objective of such systems was to encourage the players to play more due to the perception of big wins, or wager the virtual money and ultimately real money as well.

EX1003 ¶57

Pet., 6; EX1003 (Crevelt Decl.) ¶57

Asserted Prior Art

Kelly683 Discloses a Networked Gaming System That Adjusts the Game and Prizing Structure Based on Various Parameters



gaming system. With this system, the prize provider is able to optimize user enjoyment of the network gaming system; help better retain current users of the network gaming system; and help attract even greater numbers of new users to the network gaming system.

EX1005, 6:15-19

In another aspect of the present invention, the redemption system provides an operator the ability to adjust prizes and determine the desired prize costs and win ratios. A prize table is displayed on a game apparatus or other computer system.

EX1005, 5:3-6

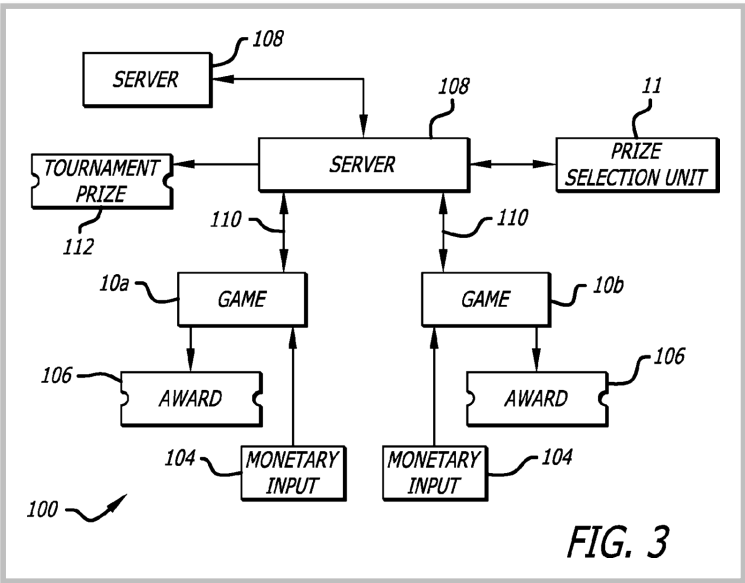
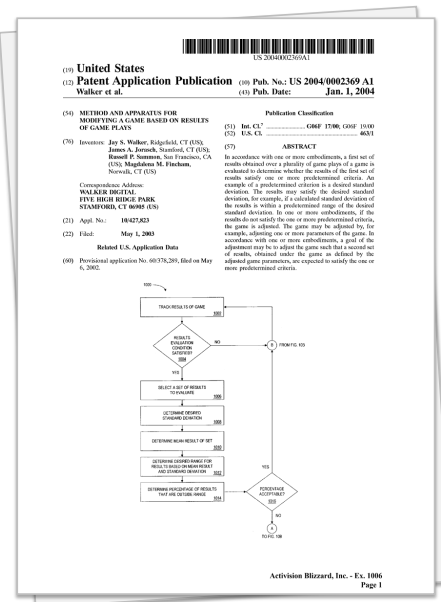


FIG. 3

Pet., 8-9

Walker Discloses a Game System That Adjusts the Game and Prizing Structure Based on Predetermined Criteria



800

GAME IDENTIFIER: G-5327		802
AVAILABLE ADJUSTMENT		804
		806
R-8-01	INCREASE SPEED OF SPACESHIP BY 10-20%	+ 20 POINTS
R-8-03	DECREASE SPEED OF SPACESHIP BY 10-20 %	- 30 POINTS
	INCREASE NUMBER OF LIVES FROM 3 TO 5	- 50 POINTS
R-8-05	INCREASE NUMBER OF HITS NEEDED TO DESTROY A SMALL METEORITE BY 30-50% AND INCREASE SPEED OF SMALL METEORITE BY 20-30%	+ 90 POINTS
	INCREASE POINTS AWARDED FOR DESTROYING LARGE METEORITE BY 20-30% AND DECREASE POINTS AWARDED FOR DESTROYING SMALL METEORITE BY 20-30%	- 100 POINTS
R-8-07	INCREASE TEMPO OF BACKGROUND MUSIC BY 5%	- 5 POINTS
	ADD "SLOW DOWN / REVERSE DIRECTION" CAPABILITY TO SPACESHIP	+ 30 POINTS
R-8-09	DECREASE PRECISION OF SPACESHIP HEADING CONTROLS BY 2 DEGREES	- 40 POINTS
	INCREASE SPEED OF MISSILES BY 10-20%	+ 15 POINTS

FIG. 8

EX1006, Fig. 8

[0002] Gaming establishment operators, such as operators of online gaming Web sites and arcades, profit when players play games at their establishments. The operators are thus interested in keeping the players happy and motivated in order to maximize the chances that the players will return in the future to play games and encourage friends and family members to visit the establishments.

EX1006, [0002]

[0022] The invention overcomes the above and other drawbacks of the prior art by providing a method for managing the wide disparity in the results of a game that may be due to the wide disparity in experience and skill level of the players playing the game while also maintaining sufficient disparity in the results to keep player interest in the game. The systems and methods of the present invention facilitate adjustment of a game in order to help ensure that a set of results obtained during a plurality of game plays of a game satisfy one or more predetermined criteria (e.g., that a standard deviation of the results is not greater than a maximum predetermined standard deviation and not lower than a minimum predetermined standard deviation).

EX1006, [0022]

Grounds

Ground	Claim(s)	Prior Art
1	1, 2, 4, 5, 6, 7, 9, 11-13, 15, 19, 23, 24, and 29	Obvious under 35 U.S.C. § 103 over Kelly683
2	2 and 4	Obvious under 35 U.S.C. § 103 over Kelly683 in view of Paulsen
3	1, 2, 4, 5, 6, 7, 9, 11-13, 15, 19, 23, 24, and 29	Obvious under 35 U.S.C. § 103 over Walker in view of Schneier143

Pet., 4-5

'164 Patent Claim 1

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:

* * *

a game processor coupled to memory generating game play information, the game processor providing at least:

the game play information including game play with virtual money (vCoins),

the virtual money (vCoins) being acquired in response to a purchase utilizing the payment information of the users,

the virtual money (vCoins) acquired in response to a purchase being subject to a multiplier,

implementing a first set of variable parameters to provide a first game play experience, and

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,

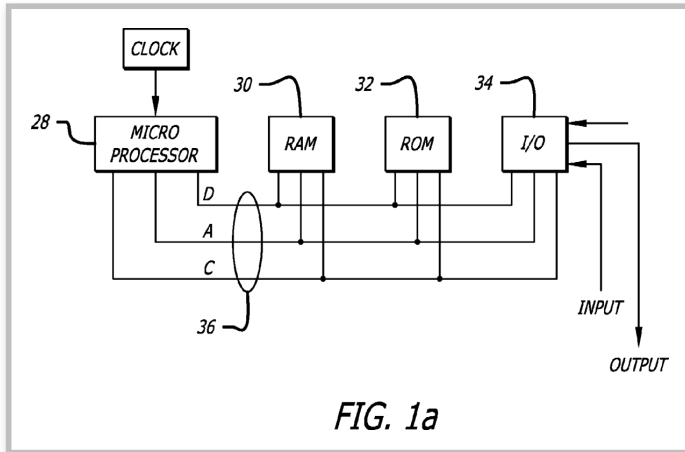
EX1001,
Claim 1

Kelly683 Discloses Claim 1 Limitations

“a game processor coupled to memory generating game play information”

playing piece. Each type of user input can provide a particular game command to the game processor 12, and the game processor interprets the commands and influences game states and game events in the game process accordingly.

EX1005, 10:12-15



EX1005, Fig., 1a

“implementing a first set of variable parameters to provide a first game play experience”

Once the required revenue, R, is determined for a particular prize, then the average number of prize credits or tickets, T, that are known to be awarded per game is determined (average ticket payout). It is possible for the game’s manufacturer to adjust game difficulty so that, on average, a predetermined number of prize credits will be awarded for each game played. For example, games often have a payout about 8-12 tickets

EX1005, 38:58-60

08/628,490. In one embodiment, the random determination of whether a particular prize is to be awarded is also modified by statistical information to create a “best fit” of prizes awarded according to the operator’s desired odds; this is done to offset the sometimes undesirable results that purely ran-

EX1005, 36:63-66

“modifying the variable parameters to provide” ... “a second game play experience”

game, averaging about 10 per game. The difficulty and thus the average prize credits awarded per game can be adjusted using a variety of techniques that depend on the type of game being played. For example, in an action game the speed of controlled objects, response of input devices, and the like, can be adjusted so that most players don’t receive a score higher

EX1005, 38:65-67

Pet., 23-24, 25-27

Walker Discloses Claim 1 Limitations

“a game processor coupled to memory generating game play information”

[0064] The controller 300 comprises a processor 305, such as one or more Intel® Pentium® processors. The processor 305 is in communication with a communications port 310 (e.g., for communicating with one or more other devices) and a memory 315. The memory 315 may comprise an appropriate combination of magnetic, optical and/or semi-

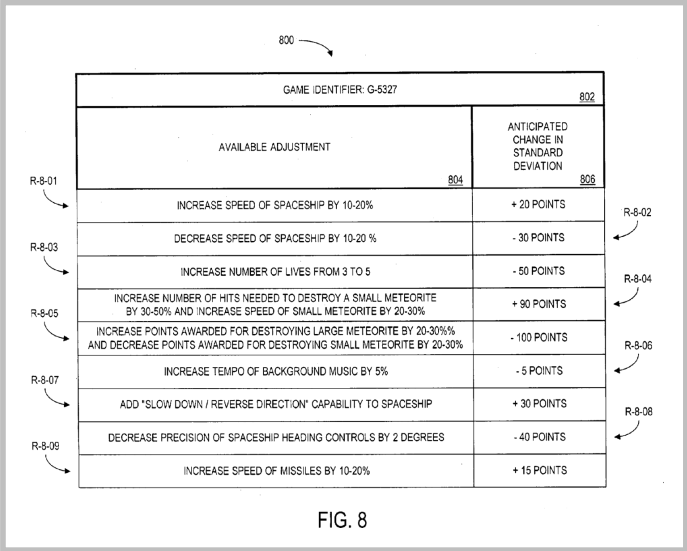
EX1006, [0064]

[0065] The memory 315 stores a program 320 for controlling the processor 305. The processor 305 performs instructions of the program 320, and thereby operates in accordance with the present invention, and particularly in accordance with the methods described in detail herein. The

EX1006, [0065]

“implementing a first set of variable parameters to provide a first game play experience”

[0155] As described above, a game may include one or more game parameters. These game parameters may be variables that affect the performance, scoring, difficulty, outcome, or other aspects of the game. Examples of game parameters include:



GAME IDENTIFIER: G-5327	
AVAILABLE ADJUSTMENT	ANTICIPATED CHANGE IN STANDARD DEVIATION
R-8-01 INCREASE SPEED OF SPACESHIP BY 10-20%	+ 20 POINTS
R-8-02 DECREASE SPEED OF SPACESHIP BY 10-20 %	- 30 POINTS
R-8-03 INCREASE NUMBER OF LIVES FROM 3 TO 5	- 50 POINTS
R-8-04 INCREASE NUMBER OF HITS NEEDED TO DESTROY A SMALL METEORITE BY 30-50% AND INCREASE SPEED OF SMALL METEORITE BY 20-30%	+ 90 POINTS
R-8-05 INCREASE POINTS AWARDED FOR DESTROYING LARGE METEORITE BY 20-30% AND DECREASE POINTS AWARDED FOR DESTROYING SMALL METEORITE BY 20-30%	- 100 POINTS
R-8-06 INCREASE TEMPO OF BACKGROUND MUSIC BY 5%	- 5 POINTS
R-8-07 ADD 'SLOW DOWN / REVERSE DIRECTION' CAPABILITY TO SPACESHIP	+ 30 POINTS
R-8-08 DECREASE PRECISION OF SPACESHIP HEADING CONTROLS BY 2 DEGREES	- 40 POINTS
R-8-09 INCREASE SPEED OF MISSILES BY 10-20%	+ 15 POINTS

FIG. 8

EX1006, [0155]; EX1006, Fig. 8

“modifying the variable parameters to provide” ... “a second game play experience”

the gaming structure, Walker discloses modifying the first set of variable parameters to provide a more difficult game play (a second set of variable parameters providing a second game play experience). For example, the number of lives may be modified from 5 to 3, the speed of the spaceship may be modified to increase by 10-20%, and the precision required by the spaceship controls may be increased by 2%. Ex. 1006 at Figure 8. Walker discloses that the first game play experience differs from the second game play experience because the second game play experience is more difficult than the first game play experience (e.g., less lives, speed of spaceship is faster and therefore less time to react, more precision required to control the spaceship). *Id.*

EX1003, ¶1319

Kelly683 Discloses Claim 5

5. The system for electronic game play of claim 1 wherein the game processor utilizes a threshold value to change from the first game play experience to the second game play experience.

EX1001, Claim 5

Kelly683

states occur until a game conclusion is reached. The player can influence game states with game commands, but game states will often also change without any user input, such as when a time limit expires. The game conclusion can be trig-

EX1005, 11:16-27

win a certain number of prize credits per game. Durations of games, which have a fixed duration, can also be adjusted to achieve an average payout level of prize credits.

EX1005, 38:55-39:7

08/628,490. In one embodiment, the random determination of whether a particular prize is to be awarded is also modified by statistical information to create a “best fit” of prizes awarded according to the operator’s desired odds; this is done

EX1005, 36:63-37:9

Pet., 30-31

Walker Discloses Claim 5

5. The system for electronic game play of claim 1 wherein the game processor utilizes a threshold value to change from the first game play experience to the second game play experience.

EX1001, Claim 5

Walker

[0249] Determining whether the set of results satisfies the one or more predetermined criteria may comprise evaluating the set of results in a predetermined manner. For example, the controller 205 may determine whether a variance of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In another example, the controller 205 may determine whether a standard deviation of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In yet another example, the controller 205 may determine whether a range of the results achieved is within a range defined by a predetermined number of a predetermined standard deviation of the mean result.

EX1006, [0249]

Pet., 67

Disputed Limitations

“threshold value includes information on frequency of play”
(dependent claim 7)

22



EX1001, Claim 5

EX1001, Claim 7

23



EX1001, Claim 5

EX1001, Claim 7

Claim construction

“threshold value includes information on frequency of play”	
Petitioner’s Construction	PO’s Construction
plain and ordinary meaning	“[threshold value is] how often play occurred over some period of time or across a given sample, <i>i.e.</i> , a rate” POR, 11

Intrinsic Evidence Confirms That the Term Is Not Limited to “a rate”

FIG. 20D shows yet further data elements potential of use in the system. Optionally, the system may contain citizenship information. Various state and national lotteries are strict about geographic participation in a lottery. Thus, for example, it is often necessary for a potential player to establish a local account, such as a local bank account, or possess certain identification information such as a social security number or other national identification number. Through a registration process, either directly with the lottery, or via an authorized vendor, or otherwise through online registration, the player may become registered whereby they are confirmed to possess the requisite citizenship or state or national contact to satisfy the lottery requirements. Yet another data element may be the player's email address or other electronic address. In certain instances, it may be desirable to know the player's physical address, such as a home or business address. Yet further data elements relate to the frequent player aspect. One data field may indicate simply whether the person is a frequent player, and if so, the number of points they possess. As shown in FIG.

EX1001, 36:4-23; Rep., 4

lower tier prizes. The allocation of prizes may be defined in various ways, such as by defined numbers and values of prizes for a given number of plays, system-wide for every Nth play, or based on the number of plays for a particular player, or groups of players, or based on the source of the

EX1001, 7:9-13

Citizenship Information	Computer Address	E-mail Address	Physical Address	Registered Frequent Player
469384323FR	1324597223	jami@hotmail.com	3 rue de la Seine Paris, FR	yes
3555462NL	3968736293	FRStone@aol.com	unknown	no
SSN 564-35-1283	6945112442	unknown	unknown	no
SSN 523-25-3232	6978854645	dons@earthlink.et	1243 Main St. Yuba, CA 91331	Yes

FIG. 20D

EX1001, Fig. 20D; Rep., 4

Information on frequency of play

Information on frequency of play

Frequent Player Points	Form of Compensation	Acknowledgment Number
13244	Cash	4220263541000eoke
0	Airline Miles	164777538865
0	Further Game Play	164777538866
103	Cash	164777538867

FIG. 20E

EX1001, Fig. 20E

PO's Extrinsic Evidence Does Not Overcome the Intrinsic Evidence

winners and prizing structure and allocation of prizes.”). *See also* Ex2014 (Microsoft Computer Dictionary, 5th Ed. (2002) (“frequency *n.* **The measure of how often a periodic event occurs**, such as a **signal going through a complete cycle.**”). Ex2013,

POR, 12

Kelly683 Discloses “Information on Frequency of Play” Under Its Plain and Ordinary Meaning

specific prize goals on the game unit. The “hit ratio” is the fraction of games played, on average, in which a specific prize goal is met and thus a specific prize is won. The hit ratio can be an average chance that an independent skilled task will be completed by the player and a specific prize won; alternatively, if no skilled task need be completed to win a specific

EX1005, 40:19-23

prize, then the hit ratio can be the random or statistical chance that a specific prize is awarded during a game. Initially, the hit ratio is determined by the game developer, since the game developer can adjust the difficulty of the specific prize goal so that a “hit” occurs after a predetermined average number of games, similar to adjusting average awarded prize credits.

EX1005, 40:26-30

An estimated hit ratio as determined, for example, by the game developer is initially used in the above calculation of equation (6). In embodiments having skilled specific prize goals, once the game unit 10 has been played one or more times by actual players (e.g., after 100 times), the system can automatically adjust the hit ratio to the actual win frequency determined from the players’ use of the game unit 10 by, for example, storing the number of games played and the number of times the specific prize goal was hit. This is similar to the

EX1005, 40:31-39

Pet., 30-31; Rep., 11-12; EX1003 (Crevelt Decl.) ¶¶232-233; EX1005, 40:19-39

Kelly683 Discloses “Information on Frequency of Play” Even Under PO’s Erroneous Construction

specific prize goals on the game unit. The “hit ratio” is the fraction of games played, on average, in which a specific prize goal is met and thus a specific prize is won. The hit ratio can be an average chance that an independent skilled task will be completed by the player and a specific prize won; alternatively, if no skilled task need be completed to win a specific

EX1005, 40:19-25

prize, then the hit ratio can be the random or statistical chance that a specific prize is awarded during a game. Initially, the hit ratio is determined by the game developer, since the game developer can adjust the difficulty of the specific prize goal so that a “hit” occurs after a predetermined average number of games, similar to adjusting average awarded prize credits.

EX1005, 40:26-30

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EX1005, 40:31-39

Pet., 30-31; Rep., 11-12; EX1003 (Crevelt Decl.) ¶¶232-233; EX1005, 40:19-39

Kelly683 Discloses “Information on Frequency of Play” Even Under PO’s Erroneous Construction

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EX1005, 40:26-30

Crevelt Deposition

- Q.** Okay. I just want to make sure I understand your testimony. You -- you think win -- so, in your view, a win ratio is how often something hits, you mean that there's a win or a winning event or a prize award versus not?
- A.** Yes. There's particularly a ratio on a gaming device or system that the win ratio is how often the game hits or you get a winner. And that may be based on number of games played or type of game, sometimes it is referred to as a hit frequency.

EX2012, 22:19-14

Rep., 13-14; Sur-Rep., 13; EX1003 (Crevelt Decl.) ¶233

Walker Discloses “Information on Frequency of Play” Under Both Constructions

[0267] If it is determined that a set of results for a game does not satisfy one or more predetermined criteria for the game, the controller 205 adjusts the game. Some examples of how a game may be adjusted have already been described above. Adjusting a game may comprise (i) determining the at least one goal of the adjustment; (ii) determining the one or more game parameters to be adjusted; (iii) determining a respective new value for each of the one or more game parameters to be adjusted; and (iv) executing the adjustment.

EX1006, [0267]

[0248] In one or more embodiments, the controller 205 may determine whether the set of results selected above satisfies the one or more predetermined criteria associated with the game. Such a determination may comprise, for example, determining the one or more criteria associated with the game. This may be accomplished by, for example, accessing a record of the game in the game database 435 (e.g., based on the game identifier) and retrieving the one or more predetermined criteria stored in the record.

EX1006, [0248]

[0249] Determining whether the set of results satisfies the one or more predetermined criteria may comprise evaluating the set of results in a predetermined manner. For example, the controller 205 may determine whether a variance of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In another example, the controller 205 may determine whether a standard deviation of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In yet another example, the controller 205 may determine whether a range of the results achieved is within a range defined by a predetermined number of a predetermined standard deviation of the mean result.

EX1006, [0249]

[0236] (i) all game plays played during a specific period of time (e.g., all game plays played in the last week, all game plays played within two weeks of a promotion);

EX1006, [0236]

Pet., 68-69; Rep., 17-18; EX1003 (Crevelt Decl.) ¶341

Walker Discloses “Information on Frequency of Play” Under Its Plain and Ordinary Meaning

[0245] In one or more embodiments a characteristic of a game that is indicative of achievement in a game, other than a score or value corresponding to a prize, may be evaluated. For example, range in a number of levels completed, a number of lives lost, a total time spent playing, or a number of questions answered correctly may be determined and compared to one or more gaming predetermined criteria.

EX1006, [0245]

[0235] As illustrated above, one selection condition may be a period of time during which the results have been obtained. For example, the controller 205 may determine a time of the last evaluation of the results of the game (which may be stored in a game database, such as illustrated in table 700 of FIG. 7A) and search only for results of game plays that have been obtained since that time. In another example, the controller 205 may randomly select a predetermined number of representative results that have been obtained since the time of the last evaluation. In yet another example, the results may be evaluated to determine whether any of the results are outlier results (e.g., so far removed from the majority of the results as to be statistically irrelevant) and discard those outlier results from the set of results for which a range is to be determined. In one or more embodiments, the set of results evaluated by the controller may comprise all of the results obtained during game plays of the game, with no limiting criteria as to which results qualify for inclusion in the set. Example data sets include:

[0236] (i) all game plays played during a specific period of time (e.g., all game plays played in the last week, all game plays played within two weeks of a promotion);

[0237] (ii) all game plays played by a particular player;

EX1006,
[0235]-[0237]

Pet., 68-69; Rep., 18-20; EX1003 (Crevelt Decl.) ¶¶339-341

Walker Discloses Information on Frequency of Play Even Under PO's Erroneous Construction

[0249] Determining whether the set of results satisfies the one or more predetermined criteria may comprise evaluating the set of results in a predetermined manner. For example, the controller 205 may determine whether a variance of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In another example, the controller 205 may determine whether a standard deviation of the set of results is (i) within a predetermined range; (ii) above or below a predetermined minimum threshold; or (iii) above or below a predetermined maximum threshold. In yet another example, the controller 205 may determine whether a range of the results achieved is within a range defined by a predetermined number of a predetermined standard deviation of the mean result.

EX1006, [0249]

[0236] (i) all game plays played during a specific period of time (e.g., all game plays played in the last week, all game plays played within two weeks of a promotion);

EX1006, [0236]

Pet., 51-52; 68-69; *Rep.*, 20-21; EX1003 (Crevelt Decl.) ¶341

Walker Discloses Information on Frequency of Play Even Under PO's Erroneous Construction

[0251] As described above, in one or more embodiments, a variance in results obtained by players may be calculated. For example, the controller **205** may determine the variance in results obtained in the game “Space Battles” by using the game play database **330** to determine all the results obtained for game plays of “Space Battles” during a predetermined period of time (e.g., the last month or since the last determination of variance in results). The controller **205** may then

EX1006, [0251]

Pet., 51-52; 68-69; *Rep.*, 20-21; EX1003 (Crevelt Decl.) ¶341

“threshold value includes information on the number of plays since a last win”
(claim 9)

“threshold value includes information on the number of plays since a last win”
(dependent claim 9)

5. The system for electronic game play of claim 1 wherein the game processor utilizes a threshold value to change from the first game play experience to the second game play experience.

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.

EX1001, Claims 5, 9

Claim Construction

“threshold value includes information on the number of plays since a last win”	
Petitioner’s Construction	PO’s Construction
plain and ordinary meaning	“[threshold value is] the number of plays since a last win” POR, 13-14

PO's Construction Rewrites The Claim

5. The system for electronic game play of claim 1 wherein the game processor utilizes a threshold value to change from the first game play experience to the second game play experience.

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. ^{is}

EX1001, Claims 5, 9

Intrinsic Evidence Confirms “Information on the Number of Plays Since a Last Win” Has Its Plain and Ordinary Meaning

maybe applied on a per player basis. The set of plays by a given player may be subject to the prizing structure rules such that a player could be guaranteed a certain minimum prizing over some number of plays, e.g., 50 plays. Yet other

EX1001,
12:39-42

lower tier prizes. The allocation of prizes may be defined in various ways, such as by defined numbers and values of prizes for a given number of plays, system-wide for every Nth play, or based on the number of plays for a particular

EX1001,
7:9-12

Yet another group of variables include prizing parameters. Prize allocation may be utilized, such as where the prizes are allocated by person, by multiple people, by number of plays (1:X), by source, e.g., retailer, by geography, by time (per

EX1001,
17:18-21

Rep., 8-9

Kelly683 Discloses “Information on the Number of Plays Since a Last Win” Under Its Plain and Ordinary Meaning

is incremented. When a player wins a specific prize after a specific prize goal is achieved in a game, the video console prize is first checked, i.e., the system checks whether the current game is the 4000th game (where the goal was met) since the video game console **was last awarded** to a player on this game unit 10 (or the 4,000th game since console was awarded within the entire redemption system, i.e., among multiple game units 10). If so, the console is awarded. If not,

EX1005, 36:30-37

Pet., 31; *Rep.*, 14-15; EX1005, 36:63-37:9; EX1003 (Crevelt Decl.) ¶235

Kelly683 Discloses “Information on the Number of Plays Since a Last Win” Under PO’s Erroneous Construction

valuable prize in the specific prize list 482. For example, whenever a game is played on game unit 10, a game counter is incremented. When a player wins a specific prize after a

EX1005, 36:28-30

is incremented. When a player wins a specific prize after a specific prize goal is achieved in a game, the video console prize is first checked, i.e., the system checks whether the current game is the 4000th game (where the goal was met) since the video game console was last awarded to a player on this game unit 10 (or the 4,000th game since console was awarded within the entire redemption system, i.e., among

EX1005, 36:32-35

multiple game units 10). If so, the console is awarded. If not, the next most valuable prize in the table (e.g., the T-Shirt) is similarly checked. This continues until a prize in the table is selected. If none of the prizes are selected, then no prize can be awarded, or a default prize can be awarded as the specific prize; for example, in the described embodiment, 10 prize credits (equivalent to the average number of prize credits given out in a game) are awarded as a default prize. Alterna-

EX1005, 36:37-44

Walker Discloses “Information on the Number of Plays Since a Last Win” Under Its Plain and Ordinary Meaning

more game plays of the game (e.g., 1001-1500 points). In another embodiment, a prize may be awarded if a player achieves a particular event or level of achievement in one or more game plays of a game (e.g., the player gets to level 3 of the game within two consecutive game plays). In embodiments where a prize is awarded as a result of a game play,

EX1006, [0265]

Pet., 69-70; *Rep.*, 21-22; EX1003 (Crevelt Decl.) ¶¶342-343

Walker Renders Obvious Information on the Number of Plays Since a Last Win Under PO's Erroneous Construction

[0236] (i) all game plays played during a specific period of time (e.g., all game plays played in the last week, all game plays played within two weeks of a promotion);

EX1006, [0236]

more game plays of the game (e.g., 1001-1500 points). In another embodiment, a prize may be awarded if a player achieves a particular event or level of achievement in one or more game plays of a game (e.g., the player gets to level 3 of the game within two consecutive game plays). In embodiments where a prize is awarded as a result of a game play,

EX1006, [0265]

[0027] Note that, for purposes of this invention, the term “game” should be distinguished from the term “game play”. A game comprises a set of rules according to which a prize or points may be obtained. For example, Pac Man™ is a game. A game play comprises an attempt to obtain a score or win a prize in accordance with the rules of the game and ends at a designated time (e.g., once the prize is won or a number of “lives” or “rounds” is played without having won the prize).

EX1006, [0027]

A POSITA Would Have Understood Promotion as That to the Next Level of a Game

Promotion to the next level of a game

[0236] (i) all game plays played during a specific period of time (e.g., all game plays played in the last week, all game plays played within two weeks of a promotion);

EX1006, [0236]

Advertisements are not the same as a “promotion”

[0198] (ii) other forms of consideration (e.g., providing services or products, performing activities, viewing advertisements).

EX1006, [0198]

Pet., 69-70; *Rep.*, 23-24; EX1003 (Crevelt Decl.) ¶1343; EX1006, [0265]

Walker Discloses “Information on the Number of Plays Since a Last Win” Under PO’s Erroneous Construction

score or number of points. In such embodiments, evaluating the results in a data set to determine whether the results satisfy the one or more predetermined criteria associated with a game may comprise converting the results to a useful form. For example, in one embodiment, a prize such as a

more game plays of the game (e.g., 1001-1500 points). In another embodiment, a prize may be awarded if a player achieves a particular event or level of achievement in one or more game plays of a game (e.g., the player gets to level 3 of the game within two consecutive game plays). In embodiments where a prize is awarded as a result of a game play,

EX1006, [0265]

Pet., 70; Rep., 24-25