UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

NIANTIC, INC.,
Petitioner,

v.

IMAGINEAR, INC. AND IMAGINE AR, INC.,
Patent Owner.

Case IPR2025-01274
U.S. Patent No. 10,946,284

PATENT OWNER'S PRELIMINARY RESPONSE

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TABLE OF EXHIBITS

Exhibit No.	Description
2001	November–December 2018, Email Chain between Shaun MacDonald of Extreme Venture Partners and Vikram Grover and Omar Tellez of Niantic, copying Ron Laurie of Inflexion Point Strategy (IPS1-7) ("Patent Acquisition Proposal to Petitioner") [UNDER SEAL]
2002	Declaration of Alen Paul Silverrstieen ("Silverrstieen Decl.")
2003	Inflexion Point Strategy Patent Acquisition Opportunity Summary
2004	*ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.), D.I. 63, Sept. 8, 2025 ("DC 101 Op")
2005	Docket for *ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.) ("Litigation Docket")
2006	*ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.), D.I. 41-1, May 9, 2025 ("Agreed Schedule")
2007	*ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.), D.I. 48, June 4, 2025 ("Protective Order")
2008	*ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.), D.I. 68, Sept. 12, 2025 ("Order on Mot. to Compel")
2009	Compendium of Subpoenas served in *ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.)
2010	*ImagineAR, Inc. v. Niantic, Inc*., No. 1:24-cv-01252-JDW (D. Del.), D.I. 75, Sept. 17, 2025 ("Order on Letter Rogatory")
2011	Petitioner's Motion to Quash PO's Subpoena to ("Mot. to Quash")
2012	Patent Owner's Infringement Contentions Cover Document
2013	Petitioner's Invalidity Contentions Cover Document
2014	Declaration of Erik M. Bokar ("Bokar Decl.")
2015	September 3, 2025, Email and Letter from Petitioner's Counsel to Patent Owner's Counsel regarding Case Narrowing, ("9/3/2025 Case Narrowing Email")
2016	August 22, 2025, Letter from Petitioner's Counsel to Patent Owner's Counsel ("8/21/25 Ltr.")
2017	June 5, 2025, Patent Owner's Third Set of Requests for Production to Petitioner in Litigation ("PO's 3rd RFPs")

2018	September 15, 2025, Petitioner's Responses and Objections to Patent Owner's 3rd Set of Interrogatories ("Pet.'s Resp. to ROG 16")

ImagineAR, Inc. and Imagine AR, Inc. (collectively, "Patent Owner")[1] submit this Preliminary Response in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107 and in response to the Petition filed by Niantic, Inc. ("Petitioner") requesting *inter partes* review of Claims 1-28 (the "Challenged Claims") of U.S. Pat. No. 10,946,284 ("the '284 patent"). Patent Owner timely filed this Preliminary Response under 37 C.F.R. § 42.107(b) within three months of the mailing date of the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response.

I. INTRODUCTION

The Petition seeks review of the Challenged Claims based on two obviousness grounds. As to Challenged Claim 1, the only independent claim of the '284 patent, Petitioner asserts only a single-reference obviousness ground (*i.e.*, obviousness in view of Kolo alone). Petitioner's single-reference obviousness ground is legally and factually deficient for at least three reasons, and thus the Board should decline to institute *inter partes* review of the '284 patent.

First, Petitioner's attempted mapping of Kolo to the "local element script" term is inconsistent across the Challenged Claims, in violation of the statutory and regulatory requirements for an *inter partes* review petition, including 37 C.F.R. §§

[1] In its Petition, Petitioner asserted that both parties are the patent owner, but only ImagineAR, Inc. owns the patent.

42.104(b)(4)-(5), 35 U.S.C. § 312(a)(3), and 37 C.F.R. § 42.22(a)(2). *See Google LLC v. Uniloc USA, Inc.*, IPR2017-02083, Paper 10 at 11 (PTAB Mar. 29, 2018).

Second, Petitioner repeatedly asserts that Kolo discloses or suggests a limitation, but fails to explain where, or how, the limitation is disclosed or suggested in Kolo. Consequently, Petitioner concedes that such limitations are not disclosed or suggested in Kolo.

Third, Petitioner relies on the conclusory, unsupported testimony of its expert to attempt to supply several limitations that are missing from Kolo, in violation of 37 C.F.R § 42.104(b)(4), 35 U.S.C. § 312(a)(3), and long-standing Federal Circuit and Board precedent. *See, e.g.,* Memorandum from Director Coke Morgan Stewart, Enforcement And Non-Waiver of 37 C.F.R. § 42.104(B)(4) and Permissible Uses of General Knowledge in Inter Partes Reviews at 2 (July 31, 2025) ("2025 Memorandum"); *Qualcomm Inc. v. Apple Inc*., 134 F.4th 1355, 1364-66 (Fed. Cir. 2025).

Accordingly, Patent Owner respectfully requests that the Board decline to institute an *inter partes* review of the '284 patent.

II. BACKGROUND

A. The '284 Patent And The Challenged Claims

The '284 patent, entitled "Systems and Methods for Capture and Use of Local Elements in Gameplay," issued on March 16, 2021, from U.S. Patent Application No. 15/215,406 (filed July 20, 2016). (Ex-1001 at [21], [22], [45], [54].)

The '284 patent and the Challenged Claims are "related to video game applications in general and video game applications for the capture and use of local elements to impact gameplay in particular." (*Id*. at 1:16-18.) According to the '284 patent, "[p]rior art virtual worlds have storylines that are either static or branch in a rather predictable fashion." (*Id*. at 1:32-33.) Virtual worlds with branching storylines "have a set number of possible branches and a player's skills, interaction with other players and non-player characters (NPCs) aids in the creation of variety and new possibilities." (*Id*. at 1:36-39.) "Mostly, the storyline is [] dependent on the virtual character (Player Character) that a player chooses to engage in the gameplay of the virtual world." (*Id*. at 1:39-42.) "These existing virtual worlds lack the ability to take the player's location and its various local elements into account for meaningful impact on gameplay." (*Id*. at 1:43-45.)

To overcome these limitations, the '284 patent created "systems and methods whereby the storyline of a virtual world may change based on the real world local elements of a particular location," such that "changes to the real world local elements

may influence the gameplay of a virtual world." (*Id*. at 1:62-66.) For example, "the items and loot that [] players may come across, monsters and enemies that they may fight, traps and puzzles that they may have to overcome may vary based on the changing local elements of real world location(s)." (*Id*. at 2:26-30.) Consequently, "the local elements of the real world, location(s) become a vital factor impacting the storyline of the virtual world" which "provides for a richer gaming experience and increases player engagement while making the gameplay of the virtual world more unique for each player." (*Id*. at 2:39-44.)

"In one embodiment of the invention relating to a MMORPG (Massively Multiplayer Online Role Playing Game) the local elements of the respective locations of the players engaged in the gameplay at any given time impacts the storyline." (*Id*. at 14:7-11.) "Thus for example certain branches of the storyline and/or set(s) of plot nodes may become available when players from a certain location are either logged in or logged off." (*Id*. at 14:11-14.) When a new player engages in gameplay of the MMORPG, player location information is gathered using, for example, an embedded GPS sensor of a gaming device. (*Id*. at 14:15-17.) The system then "checks to see if the local elements of above said player location are unique, i.e. if any other player from the same location is also engaged in the gameplay of the virtual world at the same time or another player from another location with similar local elements is engaged in the gameplay." (*Id*. at 14:23-28.)

"If player location and its local elements are unique then the system may load alternate/complementary set of storyline plot nodes associated with these new local elements" and "[g]ameplay continues using the new information." (*Id*. at 14:28-31.) "If player location and its local elements are not unique then gameplay continues with no changes." (*Id*. at 14:31-33.)

Independent Challenged Claim 1—the only independent claim of the '284 patent—is reproduced below:

> 1[pre] A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage means and a location sensor, the method comprising the steps of:
>
> 1[a] providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;
>
> 1[b] detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage means;
>
> 1[c] creating in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and
>
> 1[d] retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element

> script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,
>
> 1[e] wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

(Ex-1001 at claim 1.)

As shown above, Challenged Claim 1 of the '284 patent recites a computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage means and a location sensor comprising the steps of:

- providing access to a video game having a virtual character with a virtual character statistic;
- detecting with the location sensor the real world player geographic location of the player;
- storing the real world player geographic location in the storage means;
- creating in a database a local element script associated with the real world player geographic location;
- retrieving from the database mapping information related to the real world player geographic location of the player;
- actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player; and

- not actuating the corresponding local element script when the player's real world player geographic location is represented by another player.

(*Id*.)

B. The Level Of Ordinary Skill In The Art

For the purposes of this preliminary response only, Patent Owner adopts Petitioner's proposed level of ordinary skill in the art. (Petition at 5-6.)

C. Petitioner's Asserted Prior Art References

1. U.S. Patent App. Pub. No. 2012/0244945 ("Kolo")

Kolo is generally directed to "a system and method for incorporating geolocation information into an online game to enhance the enjoyment of the online game." (Ex-1013-Kolo at Abstract.) "The geolocation of a player is communicated to the online game servers which modify the gaming environment of the player based on the player's current geolocation." (*Id*.) "If the player changes geolocation, the online game may modify the player's gaming experience as the player's geolocation changes." (*Id*.)

According to Kolo, in-game "items may have different effects depending on the geolocation of one or more players." (*Id*. at [0352].) Kolo provides several high-level, non-technical examples of creating or using items based on player geolocation. (*Id*. at [0353]-[0355].) In one example, a player creating a potion must be at a geolocation that is rainy to have a higher probability of successfully creating the potion, and the player's opponent must also be in a geolocation that is rainy for the

potion to yield a high amount of damage. (*Id*. at [0353].) In another example, a player using a sword must be at a geolocation that is sunny for the sword to yield the maximum amount of damage. (*Id*. at [0354].) In a third example, a player using a dagger must be at a geolocation with lightning and the player's opponent must be at a geolocation that is raining for the dagger to yield the maximum amount of damage. (*Id*. at [0355].)

2. U.S. Patent App. Pub. No. 2011/0214071 ("Zyda")

Zyda is generally directed "to multi-participant virtual world systems, including Massively Multi-Player Online Games (MMOGs)." (Ex-1014-Zyda at [0004].) According to Zyda, a "multi-participant virtual world system may include a virtual world engine, a real world news feed interface, a real world news analysis system, and a virtual world modification system." (*Id*. at [0007].) "The real world news feed interface may be configured to receive real world news in real time" and the "real world news analysis system may be configured to extract a real world occurrence from the real world news based on an interpretation of the real world news." (*Id*.) The virtual world modification system may then "modify an attribute of the virtual world in response to the extracted real world occurrence." (*Id*.)

III. LEGAL STANDARDS

"The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under

section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petition would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

In an *Inter Partes* Review, the Petitioner bears the burden of persuasion to prove unpatentability by a preponderance of the evidence. *See Dynamic Drinkware, LLC v. Natl. Graphics, Inc.,* 800 F.3d 1375, 1379 (Fed. Cir. 2015). To establish a *prima facie* case of obviousness, the petitioner must show "how the prior art references, either alone or in combination, teach or suggest the claimed invention." *See In re Bell*, 991 F.2d 781, 783 (Fed. Cir. 1993); *see also Metalcraft of Mayville, Inc. v. The Toro Co.*, 848 F.3d 1358, 1367 (Fed. Cir. 2017) (petitioner must persuasively explain how the references would be combined to arrive at the claimed invention). The petitioner must also demonstrate "that a skilled artisan would have had reason to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success from doing so." *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Pat. Litig.*, 676 F.3d 1063, 1068-69 (Fed. Cir. 2012); *see also Orexo AB v. Actavis Elizabeth LLC*, 903 F.3d 1265, 1271 (Fed. Cir. 2018) (holding that a finding of obviousness requires a showing "that a person of ordinary skill would have selected and combined and modified the subject matter of the references in the manner of the claimed invention, with a reasonable expectation of success.").

"As a practical matter, enforcement of Rule 104(b)(4)[2] means that applicant admitted prior art (AAPA), expert testimony, common sense, and other evidence that is not 'prior art consisting of patents or printed publications' (collectively, 'general knowledge') may not be used to supply a missing claim limitation. Per 35 U.S.C. § 312(a)(4), the Board shall deny an IPR petition that fails to comply with Rule 104(b)(4)." 2025 Memorandum at 1; *Qualcomm,* 134 F.4th at 1364-66.

Consistent with that Rule 104(b)(4) requirement, the Federal Circuit has also held that expert testimony is not a substitute for what a prior art reference fails to teach. *Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, 1363 (Fed. Cir. 2016).

IV. CLAIM CONSTRUCTION

As to the term "local element script" recited in Challenged Claim 1, Petitioner asserts that "a POSITA would have understood that a 'script' encompasses computer code" and that a "local element script" is either (i) "code correlated with a 'local element' related to the player's location" or (ii) "code that is correlated with the player's location." (Petition at 25, 27.) For the purposes of this preliminary response only, Patent Owner adopts Petitioner's construction of "local element script."

Patent Owner believes that no other terms require construction at this time. Patent Owner reserves the right to propose its own constructions for any terms of the Challenged Claims of the '284 patent should the Board elect to institute review.

[2] 37 C.F.R. § 42.104(b)(4).

V. THE PETITION FAILS TO SHOW THAT THERE IS A REASONABLE LIKELIHOOD THAT THE CHALLENGED CLAIMS OF THE '284 PATENT ARE UNPATENTABLE.

A. Ground 1A: The Petition Fails To Show That There Is A Reasonable Likelihood That Kolo Alone Renders Challenged Claims 1-22, 24, And 27 Obvious.

1. The Petition Inconsistently Maps Kolo To The "local element script" Term Of The Challenged Claims In Violation Of 35 U.S.C. § 312 And 37 C.F.R. § 42.104.

The Petition fails to show that there is a reasonable likelihood that Kolo alone renders the Challenged Claims obvious because the Petition inconsistently maps Kolo to the "local element script" term of the Challenged Claims in violation of 35 U.S.C. § 312 and 37 C.F.R. § 42.104.

Under 35 U.S.C. § 312(a)(3), a petition "may be considered only if . . . the petition identifies, in writing and with particularity, . . . the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim." *See* 35 U.S.C. § 312(a)(3). As such, the Federal Circuit has recognized that "the Petitioner has the burden from the onset to show ***with particularity*** why the patent it challenges is unpatentable." *Harmonic Inc. v. Avid Tech., Inc*., 815 F.3d 1356, 1363 (Fed. Cir. 2016) (emphasis added).

The Board's rules further address the showing required in a petition. 37 C.F.R. § 42.104 provides that the "petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon" and must "identify[] specific portions of the evidence that support the challenge." *See* 37

C.F.R. §§ 42.104(b)(4)-(5). Similarly, 37 C.F.R. § 42.22(a)(2) mandates that a petition include "[a] full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence." *See* 37 C.F.R. § 42.22(a)(2).

Applying 35 U.S.C. § 312 and 37 C.F.R. § 42.104, the Board has held that a petition that inconsistently maps a prior art reference to a claim limitation violates the statutory and regulatory requirements for a petition and does not establish a reasonable likelihood of demonstrating that the challenged claims would have been obvious. *See, e.g., Google LLC v. Uniloc USA, Inc.*, IPR2017-02083, Paper 10 at 11 (PTAB Mar. 29, 2018) (denying institution of review); *See also Salesforce.com, Inc. v. WSOU Investments, LLC*, IPR2022-00154, Paper 8 at 14 (PTAB May 9, 2022) ("We find Petitioner's reliance on different elements from Feyerabend for teaching the 'at least one subscription identifier' in the 'receiving' and 'determining' steps of claim 1 to be a ***fatal flaw*** in Petitioner's obviousness contentions.") (emphasis added).

According to the Board, "[w]e will not, and cannot, piece together Petitioner's inconsistent and contradictory arguments into a cogent and coherent explanation that supports an obviousness showing," but rather "must evaluate the Petition's arguments as presented." *Facebook, Inc. v. Uniloc USA, Inc.*, IPR2017-01523,

Paper 7 at 15-16 (PTAB Dec. 4, 2017) (citing *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380–81 (Fed. Cir. 2016)).

Here, the Petition inconsistently maps Kolo to the Challenged Claims. Each of the Challenged Claims of the '284 patent recites or requires a "local element script." (Ex-1001 at claims 1-28.) Challenged Claim 1 contains several limitations relating to the claimed "local element script," including:

- creating in a database a *local element script* associated with the real world player geographic location;
- the *local element script* actuatable in the video game to modify one or more of the virtual character statistic and a plot node;
- actuating the corresponding *local element script* in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player;
- not actuating the corresponding *local element script* when the player's real world player geographic location is represented by another player; and
- wherein actuating the *local element script* comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

(*Id*. at claim 1 (emphasis added).)

The Petition provides several inconsistent and conflicting theories regarding what Kolo's alleged "local element script" ***is***.

In some instances, for example, the Petition asserts that the alleged "local element script" is something that allows (or affects the probability of) creating an

item. (Petition at 29 ("The battle local element script results in creation of an item"), 42 ("The battle local element script allows the wielding player character to create a potion (for use in the battle)…"), 50 ("when determining the local element script creation probability.").)

In other instances, the Petition asserts that the alleged "local element script" is something that allows an item to be used to its maximum effectiveness. (*Id*. at 25-26 ("code that allows the wielding player to use a weapon (e.g., a sword or Rain & Lightning Dagger) to its maximum effectiveness"), 27 ("code related to items and using the weapon to its maximum effectiveness"), 29 ("The battle local element script results in … the wielding player's game character's item/weapon having maximum damage on the victim player."), 42 ("The battle local element script allows the wielding player character … to use a weapon to its maximum effectiveness").)

In yet other instances, the Petition asserts that the alleged "local element script" is an item itself. (*Id*. at 24 ("an item (e.g., a rain potion) (local element script, as explained below)"), 27 ("items created in Kolo's battle scenario (local element script)"), 37-38 ("a second item (e.g., a second rain potion) (second local element script)"); *see also* Ex-1006-Friedman, ¶¶ 261, 542, 581 ("player-created items or spells satisfy the plain and ordinary meaning of 'local element script…'").)

As shown in the below examples, the Petition's inconsistent mapping of Petitioner's conflicting theories to the various limitations of Challenged Claim 1 compounds the Petition's confusion and renders the Petition fatally flawed:

- Regarding the "creating" limitation of the Challenged Claim 1, the Petition asserts that the alleged "local element script" is an item created by a player. (Petition at 27 ("items created in Kolo's battle scenario (local element script)"); *id*. at 24 ("Kolo discloses that a player may create an item (e.g., a rain potion) (local element script, as explained below)").)

- Regarding the limitation requiring that the local element script is "actuatable in the video game to modify one or more of the virtual character statistic and a plot node" of Challenged Claim 1, the Petition changes theories and asserts that the alleged "local element script" is something that "results in creation of an item" or in "the wielding player's game character's item/weapon having maximum damage on the victim player." (*Id*. at 29.)

- Regarding the "actuating" and "not actuating" limitations of Challenged Claim 1, the Petition appears to argue[3] that the alleged "local element

[3] It is unclear how the Petition interprets the "local element script" for the "actuating" and "not actuating" limitations because the Petition merely repeats the claim term "local element script" without explanation or analysis. (*Id*. at 32-33.)

script" is something that affects the probability of creating a weapon or whether a weapon can be used to its maximum effectiveness. (*Id*. at 33 ("Otherwise, the weapon is less likely to be created and certainly cannot be used to its maximum effectiveness and the local element script is not actuated").)

- Regarding the "wherein" clause of Challenged Claim 1, the Petition completely foregoes any attempt to identify the alleged "local element script" and instead simply repeats the claim language without explanation or analysis. (*Id*. at 35-36.)

In view of the Petition's inconsistent interpretations of Kolo's alleged "local element script," and the Petition's inconsistent mapping of these interpretations to the Challenged Claims, the Board should find that the Petition fails to show that there is a reasonable likelihood that Kolo alone renders the Challenged Claims obvious. *See, e.g., Salesforce.com, Inc.*, IPR2022-00154, Paper 8 at 13-14 (holding that the petition's inconsistent mapping was "a fatal flaw in Petitioner's obviousness contentions.").

2. The Petition Fails To Show That The Prior Art Discloses, Teaches, Or Suggests "creating in a database a local element script associated with the real world player geographic location."

Challenged Claim 1 of the '284 patent recites "creating in a database a local element script associated with the real world player geographic location." As discussed in detail below, the Petition fails to show that Kolo—or, indeed, the prior

art in general—discloses, teaches, or suggests "creating in a database a local element script associated with the real world player geographic location." Instead, the Petition relies on the conclusory, unsupported testimony of Petitioner's expert, Mr. Friedman, to attempt to supply this missing limitation, in violation of 37 C.F.R § 42.104(b)(4), 35 U.S.C. § 312(a)(3), the 2025 Memorandum, and long-standing Federal Circuit and Board precedent.

(a) The Petition Fails To Show That Kolo Discloses, Teaches, Or Suggests "creating in a database a local element script associated with the real world player geographic location."

According to the Petition, "Kolo discloses/suggests creating in a database a local element script associated with the real-world player geographic location." (Petition at 24 (citing Ex-1006-Friedman, ¶ 581); *see also id*. at 24-27 (citing Ex-1013-Kolo at FIG. 27, [0191], [0212], [0214], [0352], [0353], [0355]).) The Petition, however, fails to cite ***any evidence*** to support this position.

Notably, the Petition and Mr. Friedman fail to identify where, or how, Kolo discloses or suggests "creating in a database a local element script." (*See generally* Petition at 24-27; Ex-1006-Friedman, ¶¶ 240-255, 336, 581.) Instead, the Petition and Mr. Friedman merely provide high-level examples of using weather conditions at a geolocation to modify the probability of creating a potion or to modify the damage dealt by a weapon. (*Id*.)

The portions of Kolo cited in the Petition are of no help to Petitioner. As noted in Section IV, *supra*, the Petition asserts that a "local element script" is either (i) "code correlated with a 'local element' related to the player's location" or (ii) "code that is correlated with the player's location." (Petition at 25, 27.) But the cited portions of Kolo do not mention a database, script, code, creating code or script, creating code or script in a database, creating code or script correlated with a local element or a player's location in a database, or anything of that nature. (*See generally* Ex-1013-Kolo at FIG. 27, [0191], [0212], [0214], [0352], [0353], [0355].)[4]

Incredibly, the portion of Mr. Friedman's declaration cited for the position that Kolo "discloses/suggests creating in a database a local element script" (*i.e.*, paragraph 581) ***does not even state that Kolo discloses or suggests this limitation!*** (Petition at 24 (citing Ex-1006-Friedman, ¶ 581).) Rather, in a blatant concession that Kolo does ***not*** disclose or suggest "creating in a database a local element script,"

[4] At best, the cited portions of Kolo merely provide high-level, non-technical examples of (i) identifying weather conditions at a geolocation (*id*. at [0191]); (ii) using weather conditions at a geolocation to modify the damage dealt by a weapon (*id*. at FIG. 27, [0212], [0214], [0352], [0355]); and (iii) using weather conditions at a geolocation to modify the probability of creating a potion (*id*. at FIG. 27, [0352], [0353]).

Mr. Friedman states only that "a POSITA would have found it obvious to create those local element scripts in a database." (Ex-1006-Friedman, ¶ 581.)

Accordingly, the Petition fails to show that Kolo discloses, teaches, or suggests "creating in a database a local element script associated with the real-world player geographic location."

(b) The Petition Impermissibly Relies On Petitioner's Expert's Conclusory Testimony To Supply The Missing "creating in a database a local element script associated with the real world player geographic location" Limitation In Violation Of 35 U.S.C. § 312, 37 C.F.R. § 42.104, And The 2025 Memorandum.

In yet another concession that Kolo fails to disclose, teach, or suggest "creating in a database a local element script associated with the real-world player geographic location," the Petition asserts that "Kolo renders obvious creating Kolo's local element script in a database." (Petition at 27.) To make up for the gap in Kolo's disclosure, the Petition relies on Mr. Friedman's testimony regarding the purported ubiquity of creating code or script in a database. (*Id*. at 27-28 (citing Ex-1006-Friedman, ¶¶ 255-270, 581).) However, the Petition's use of Mr. Friedman's testimony to attempt to supply the missing claim limitation is legally impermissible.

As explained in Section III, *supra*, "enforcement of Rule 104(b)(4) means that applicant admitted prior art (AAPA), expert testimony, common sense, and other evidence that is not 'prior art consisting of patents or printed publications' (collectively, 'general knowledge') may not be used to supply a missing claim

limitation. Per 35 U.S.C. § 312(a)(4), the Board shall deny an IPR petition that fails to comply with Rule 104(b)(4)." 2025 Memorandum at 1.

Here, the Petition and Mr. Friedman fail to identify a ***single example*** in the prior art of creating code or script in a database. (*See generally* Petition at 27-28; Ex-1006-Friedman, ¶¶ 255-270, 581.) At best, the Petition asserts that "the concept of storing code in/retrieving code from a database was ubiquitously well-known as of the '284Pat priority date." (Petition at 28 (citing Ex-1006-Friedman, ¶ 270).) But neither the Petition nor Mr. Friedman cite any evidence to support this assertion. (*Id*.) Indeed, Mr. Friedman simply parrots the Petition without evidentiary support. (*Compare* Petition at 28 (citing Ex-1006-Friedman, ¶ 270) *with* Ex-1006-Friedman, ¶ 270 (failing to cite any record evidence).)

Mr. Friedman's conclusory, unsupported expert testimony—used to attempt to supply a necessary and novel claim limitation that is missing from Kolo—is exactly the type of testimony that the Federal Circuit and the Board have cautioned against. *See, e.g., Hesai Technology Co., Ltd. v. Ouster, Inc.*, IPR2023-01458, Paper 18 at 20-21 (PTAB Jan. 21, 2025) (denying institution of review where petitioner attempted to substitute the testimony of its expert to teach the claimed arrangement of pixels); *Cisco Systems, Inc. v. XR Comms., LLC*, IPR2022-00958, Paper 9 at 24 (PTAB Nov. 28, 2022) ("Petitioner may not rely on Dr. Jeffay's testimony alone for element 15B.2. Testimony cannot take the place of disclosure in a prior art

reference, when that disclosure is required as part of the unpatentability analysis."); *Charter Communications, Inc. v. Iarnach Techs., Inc.*, IPR2024-01286, Paper 13 at 25-26 (PTAB Feb. 19, 2025) ("As Patent Owner points out, 'Petitioner and [Dr. Rouskas] have not provided a single example of multiple services sharing a group multicast address.' … As such, Petitioner's conclusory assertion does not satisfy Petitioner's burden to demonstrate patentability.").

Not only do the Petition and Mr. Friedman fail to show that creating code or script in a database was "ubiquitous," they fail to show that creating code or script in a database existed ***anywhere in the prior art***. The Petition and Mr. Friedman simply pull the limitation "creating in a database a local element script associated with the real-world player geographic location" out of thin air, which is legally impermissible. (*See* Section III, *supra*.) Accordingly, the Board should find that the Petition fails to show that there is a reasonable likelihood that Kolo alone renders the Challenged Claims obvious. *See, e.g., Nokia of America Corp. v. IPCom GmbH & Co. KG*, IPR2021-00548, Paper 10 at 16-19 (PTAB Aug. 4, 2021) (denying institution of review where petitioner improperly relied on expert testimony to supply a missing claim limitation).

(c) The Petition Fails To Show That A POSITA Would Have Been Motivated To Modify Kolo To Meet The Limitation "creating in a database a local element script associated with the real world player geographic location."

Even if the Board allows Petitioner to rely on Mr. Friedman's conclusory, unsupported testimony to supply the missing limitation "creating in a database a local element script associated with the real world player geographic location" (it should not), the Petition fails to show that a POSITA would have been motivated to modify Kolo to meet this limitation.

According to the Petition, "[r]ather than embedding Kolo's local element script in the game code, a POSITA would have been motivated to store Kolo's local element script in a database for retrieval." (Petition at 28 (citing Ex-1006-Friedman, ¶ 268).) The Petition asserts that "modifying Kolo in this way to store the local element script in a database would make the game code modular, thereby making it easier to identify the potential sources of errors." (*Id.*)

The Petition fails to show that a POSITA would have been motivated to modify Kolo as proposed because the Petition fails to identify any logical connection between game code modularity and storing code in a database for retrieval. (Petition at 28; Ex-1006-Friedman, ¶ 268.) For example, the Petition and Mr. Friedman fail to explain why storing game code in a database would have made the game code modular. (*Id.*) Neither the Petition nor Mr. Friedman assert that game code stored

in a database is necessarily modular, that storing game code in a database was a known way (or the only way) to achieve game code modularity, or that there was anything particularly desirable about storing modular game code in a database versus some other storage modality. (*Id.*) The Petition and Mr. Friedman also fail to consider that embedded game code may be modular. For instance, embedded game code may have a separate module dealing with weapons and potions.

Notably, like Mr. Friedman's unsupported testimony that creating code or script in a database was "ubiquitous," Mr. Friedman's testimony that a POSITA would have been motivated to store code in a database simply parrots the Petition without evidentiary support. (*Compare* Petition at 28 (citing Ex-1006-Friedman, ¶ 268) *with* Ex-1006-Friedman, ¶ 268 (failing to cite any record evidence).)

Mr. Friedman also applies the wrong legal standard for obviousness. Mr. Friedman repeatedly asserts, for example, that it was obvious that items "***could*** be stored in a database." (Ex-1006-Friedman, ¶¶ 261, 542, 581 (emphasis added).) However, the critical question in an obviousness analysis is not whether a POSITA ***could*** have undertaken a proposed modification, but whether a POSITA ***would*** have done so. *See, e.g., Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("obviousness concerns whether a skilled artisan not only could have made but would have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention").

Accordingly, for these additional reasons, the Board should find that Petitioner has failed to show that there is a reasonable likelihood that Kolo alone renders the Challenged Claims obvious.

3. The Petition Fails To Show That Kolo Discloses, Teaches, Or Suggests "the local element script actuatable in the video game," "actuating the corresponding local element script in the video game," And "wherein actuating the local element script."

Challenged Claim 1 of the '284 patent recites the following limitations relating to actuating the claimed "local element script" (collectively, the "Actuating Limitations"):

- "the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node";
- "actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player"; and
- "wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters."

(Ex-1001 at claim 1.)

The Petition asserts that Kolo "discloses/suggests" each of the Actuating Limitations. (Petition at 30 ("Kolo discloses/suggests that such local element scripts may be actuated to modify the character's innate statistics or a plot node."), 32 ("Kolo discloses/suggests actuating the corresponding local element script in the

video game while the player is interacting with the video game and the player's real-world player geographic location is not represented by another player"), 35 ("Kolo discloses/suggests that actuating the local element script comprises…modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.").)

The Petition fails to show that Kolo discloses or suggests the Actuating Limitations for at least two reasons.

First, the Petition fails to show that Kolo discloses or suggests the Actuating Limitations because the Petition simply repeats the claim language without explaining how Kolo purportedly discloses or suggests actuating a local element script.

Merely repeating the language of a claim, without explanation or analysis, does not show that the prior art discloses or suggests the claim. *See, e.g., Subaru of America, Inc. v. Blitzsafe Texas, LLC*, IPR2018-00090, Paper 15 at 18-19 (PTAB April 20, 2018) (denying institution of review where "the Petition does not offer any explanation of Clayton's disclosure in this regard, and instead merely repeats the claim language and provides string citations to Clayton.").

Here, the Petition repeatedly states that Kolo's "local element script is [actuatable / actuated]." (*See, e.g.,* Petition at 28 ("Kolo's local element script is also actuatable in the video game"), 29 ("when the battle local element script is

actuated"), 30 ("such local element scripts may be actuated"), 33 ("The battle local element script is only actuated … Otherwise, … the local element script is not actuated"), 35 ("When Kolo's battle local element script is actuated").) Mr. Friedman's declaration contains nearly identical statements. (Ex-1006-Friedman, ¶¶ 271-287, 300-309, 311-325.) But other than merely repeating the claim language, the Petition and Mr. Friedman fail to explain how Kolo discloses or suggests actuating a local element script. (*Id*.)

Second, the Petition fails to show that Kolo discloses or suggests the Actuating Limitations because it fails to apply Petitioner's own construction of "local element script."

As noted in Section IV, *supra*, the Petition asserts that a "local element script" is either (i) "code correlated with a 'local element' related to the player's location" or (ii) "code that is correlated with the player's location." (Petition at 25, 27.) But the Petition does not explain where, or how, Kolo discloses or suggests actuating code correlated with a local element related to the player's location or code that is correlated with the player's location. (*Id*. at 28-30, 32-36.)[5] Instead, the Petition

[5] The Petition provides an alternative means-plus-function construction for "local element script." (*Id*. at 7-8.) The Petition also fails to apply this alternative

simply repeats the claim language and assumes, without explanation or evidence, that Kolo discloses and suggests the Actuating Limitations. (*Id.*) Notably, Kolo ***makes no mention of code or script***—let alone actuating or executing code or script associated with a real world player geographic location that is created in a database, as claimed. (*See generally* Ex-1013-Kolo.)[6]

Accordingly, the Petition fails to show that Kolo discloses, teaches, or suggests the Actuating Limitations.

4. The Petition Fails To Show That The Prior Art Discloses, Teaches, Or Suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player."

Challenged Claim 1 of the '284 patent recites "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player." (Ex-1001 at claim 1.) As discussed in detail below,

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construction anywhere, including for the Actuating Limitations. (*See, e.g., id*. at 28-30, 32-36.)

[6] The Petition's and Mr. Friedman's own arguments indicate that a player-created item, the probability of creating an item, the amount of damage dealt by an item, and the like may be represented by a "datum" that represents an aspect of a game character, as opposed to actuatable code or script. (*See, e.g.,* Ex-1006-Friedman, ¶¶ 203-204, 279-280, 286 (distinguishing a "datum" from a "local element script").)

the Petition fails to show that Kolo—or the prior art in general—discloses, teaches, or suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player." The Petition once again impermissibly relies on Mr. Friedman's testimony to attempt to supply this missing limitation, but even Mr. Friedman's testimony fails to show the limitation in the prior art.

(a) The Petition Fails To Show That Kolo Discloses, Teaches, Or Suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player."

According to the Petition, "Kolo discloses/suggests … not actuating the corresponding local element script when the player's real-world player geographic location is represented by another player." (Petition at 32-33 (citing Ex-1006-Friedman, ¶¶ 300-309).) More specifically, the Petition points to Kolo's "Rain & Lightning Dagger" embodiment and asserts, without explanation, that the "battle local element script is only actuated when the wielding player is at a first location with certain weather and a victim player is at a second location with different weather…" (*Id*. at 33-34 (citing Ex-1013-Kolo at FIG. 27, [0355]).)

Irrespective of the Petition's failure to identify the alleged "local element script" or how a "local element script" is "actuated," nothing in Kolo discloses or suggests that its "Rain & Lightning Dagger" embodiment requires the victim player

to be at a different location with different weather than the wielding player. (Ex-1013-Kolo at FIG. 27, [0355].) Instead, the "Rain & Lightning Dagger" embodiment merely "requires the wielding player to be at a geolocation that is lightning (2710) and the victim player to be at a geolocation that is raining (2710)…" (*Id*. at [0355].) As a matter of common sense, it is typical for a geolocation with lightning to also have rain. Indeed, Kolo's description of the "Rain & Lightning Dagger" embodiment expressly states that the wielding and victim players are ***at the same geolocation*** (*i.e.*, geolocation 2710), and Kolo's Figure 27 shows the wielding player (2701) and the victim player (2702) ***standing next to each other***. (*Id*. at FIG. 27, [0355].)

Additionally, the Petition's reliance on Kolo's "Rain & Lightning Dagger" embodiment for Challenged Claim 1's "not actuating" limitation is inconsistent with the Petition's invalidity theory for Challenged Claim 1's "creating" limitation. With respect to the "creating" limitation, the Petition argues that "[i]t would have been obvious to a POSITA to create the code corresponding to items created in Kolo's battle scenario (local element script) in a database." (Petition at 27.) But Kolo does not disclose that the "Rain & Lightning Dagger" is an item created in a battle scenario. (Ex-1013-Kolo at [0355].) Rather, Kolo merely discloses that the "Rain & Lightning Dagger" is a weapon that yields the maximum amount of damage when the wielding player is at a geolocation that is lightning and the victim player is at a

geolocation that is raining. (*Id*.) The only item that Kolo discloses is created in a battle scenario is a "potion" (*id*. at [0353]), but the Petition completely disregards potions when addressing the "not actuating" limitation. (Petition at 32-34.)

Accordingly, the Petition fails to show that Kolo discloses, teaches, or suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player."

(b) The Petition Impermissibly Relies On Petitioner's Expert's Conclusory Testimony To Supply The Missing "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player" Limitation In Violation Of 35 U.S.C. § 312, 37 C.F.R. § 42.104, And The 2025 Memorandum, And His Testimony Fails To Supply That Limitation.

Having failed to show that Kolo discloses or suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player," the Petition again relies on Mr. Friedman's testimony to attempt to supply this missing limitation. (Petition at 35.) More specifically, the Petition points to Mr. Friedman's testimony regarding certain powers and spells in the Dungeons & Dragons tabletop board game that allegedly cannot be used if there is another player within a given number of squares. (*Id*. (citing Ex-1006-Friedman, ¶¶ 304-306; Ex-1019 at 94, 161).)

Again, the Petition's use of Mr. Friedman's testimony to attempt to supply the missing claim limitation is legally impermissible. As explained in Section III, *supra*,

"enforcement of Rule 104(b)(4) means that applicant admitted prior art (AAPA), expert testimony, common sense, and other evidence that is not 'prior art consisting of patents or printed publications' (collectively, 'general knowledge') may not be used to supply a missing claim limitation. Per 35 U.S.C. § 312(a)(4), the Board shall deny an IPR petition that fails to comply with Rule 104(b)(4)." 2025 Memorandum at 1.

Mr. Friedman's testimony also fails to supply the missing "not actuating" limitation. As noted earlier, Challenged Claim 1 of the '284 patent recites, *inter alia*, "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player." (Ex-1001 at claim 1.) The Petition asserts that "script" is "computer code." (Petition at 25.) But Dungeons & Dragons has no computer code. (*See generally* Ex-1019 (describing Dungeons & Dragons).) Rather, Dungeons & Dragons is a non-computer-based tabletop board game. (*Id.*)

Moreover, squares on a Dungeons & Dragons tabletop game board are not real world player geographic locations. Rather, they are simply positions for game pieces to move to. Unlike Challenged Claim 1's "not actuating" limitation, the powers and spells in Dungeons & Dragons can be used even when all players are at the same real world player geographic location (*e.g.*, playing together in the same room).

Accordingly, Mr. Friedman's testimony fails to supply the missing "not actuating" limitation, and thus his testimony fails to make up for the deficiencies in Kolo.

(c) The Petition Fails To Show That A POSITA Would Have Been Motivated To Modify Kolo To Meet The Limitation "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player."

Irrespective of the Petition's failure to show that the prior art discloses, teaches, or suggests "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player," which is itself fatal, the Petition also fails to demonstrate that a POSITA would have been motivated to modify Kolo to meet this limitation.

According to the Petition, a POSITA would have been motivated to "test for location uniqueness" to "encourage players to expand locations from which they play the game," thus allowing game developers to "achieve additional advertising revenue from businesses in those locations." (Petition at 34-35 (citing Ex-1006-Friedman, ¶ 303).)

The Petition fails to show that a POSITA would have been motivated to modify Kolo as proposed because the Petition fails to identify any logical connection between encouraging location uniqueness and increasing advertising revenues. (Petition at 34-35; Ex-1006-Friedman, ¶ 303.) As a matter of common sense,

encouraging players to seek unique playing locations without other players (as the Petition asserts) incentivizes players to play in non-public locations (*e.g.*, their homes) and disincentivizes players from playing in public locations where other players might be, such as businesses. A reasonable business owner would ***not*** pay to advertise in a game that ***disincentivizes*** players from patronizing their business. Thus, the Petition's proposed modification to Kolo logically would not result in increased advertising revenues, as the Petition asserts. Tellingly, Mr. Friedman's testimony simply repeats the Petition *verbatim* and fails to cite any record evidence other than a generic statement in Kolo that an online game may have advertising. (Ex-1006-Friedman, ¶ 303 (citing Ex-1013-Kolo at [0074]).)

Accordingly, the Petition fails to show that a POSITA would have been motivated to modify Kolo to meet the limitation "not actuating the corresponding local element script when the player's real world player geographic location is represented by another player."

5. The Petition Fails To Show That Kolo Discloses, Teaches, Or Suggests "retrieving from the database mapping information related to the real world player geographic location of the player."

Challenged Claim 1 recites: "retrieving from the database mapping information related to the real world player geographic location of the player." (Ex-1001 at claim 1.) Per the plain language of Challenged Claim 1, the "database" from

which the claimed mapping information is retrieved is the same "database" in which the claimed local element script is created. (*Id*.)

According to the Petition, "Kolo discloses/suggests that Kolo's server uses the player's real-world location to retrieve mapping information from the same database storing the local element scripts and that the mapping information corresponds to the player's real-world location (retrieving from the database mapping information related to the real-world player geographic location of the player)." (Petition at 32 (citing Ex-1006-Friedman, ¶ 299); *see also id*. at 30 (citing Ex-1006-Friedman, ¶¶ 290-299).)

The Petition fails to show that Kolo discloses or suggests "retrieving from the database mapping information related to the real world player geographic location of the player" because the Petition fails to show that Kolo's alleged mapping information is retrieved from the same database in which local element script is created, as Challenged Claim 1 requires.

As discussed in Section V(A)(2), *supra*, Kolo does not disclose or suggest creating local element script in a database. Kolo, therefore, cannot disclose or suggest retrieving mapping information from the same database in which local element script is created. Indeed, Kolo makes no mention of storing either script or mapping information in a database—let alone storing both together in the same database. (*See, e.g.,* Ex-1013-Kolo at [0124], [0175].)

To be sure, the Petition fails to present any evidence that Kolo discloses or suggests storing local element script and mapping information in the same database. Instead, the Petition simply states, without explanation, that "Kolo's server uses the player's real-world location to retrieve mapping information from the same database storing the local element scripts." (Petition at 32 (citing Ex-1006-Friedman, ¶ 299).) Mr. Friedman's testimony parrots the Petition and likewise omits any explanation or citation to Kolo. (Ex-1006-Friedman, ¶ 299.)

In a concession that Kolo does ***not*** disclose or suggest storing local element script and mapping information in the same database, the Petition argues that a POSITA would have found it obvious that Kolo retrieves mapping information from a "third-party map database such as Google Maps or Bing Maps (and subsequently stores the information on the server's database that also stores the local element scripts for retrieval)." (Petition at 31.) But the Petition fails to explain (i) why a POSITA would have been motivated to store mapping information from a third-party database on a game server database, or (ii) why a POSITA would have been motivated to store mapping information from a third-party database on the same game server database that allegedly stores local element scripts. (*Id.*) The Petition's half-baked obviousness argument is thus legally insufficient. *See, e.g., In re Cyclobenzaprine*, 676 F.3d at 1068-69.

Accordingly, the Petition fails to show that Kolo discloses, teaches, or suggests "retrieving from the database mapping information related to the real world player geographic location of the player," or that a POSITA would have been motivated to modify Kolo to meet this limitation.

6. The Petition Fails To Show That There Is A Reasonable Likelihood That Kolo Alone Renders Challenged Claims 2-22, 24, And 27 Obvious.

The Petition fails to show that Kolo alone renders Challenged Claims 2-22, 24, and 27 obvious. Challenged Claims 2-22, 24, and 27 depend from Challenged Claim 1, and thus incorporate each and every limitation of Challenged Claim 1. *See* 35 U.S.C. § 112(d).

As discussed above, the Petition fails to show that there is a reasonable likelihood that Kolo alone renders Challenged Claim 1 obvious. Thus, for all the same reasons, the Petition fails to show that there is a reasonable likelihood that Kolo alone renders Challenged Claims 2-22, 24, and 27 obvious.

B. <u>Ground 1B</u>: The Petition Fails To Show That There Is A Reasonable Likelihood That Kolo In View Of Zyda Renders Challenged Claims 23, 25-26, And 28 Obvious.

The Petition fails to show that Kolo in view of Zyda renders Challenged Claims 23, 25-26, and 28 obvious. Challenged Claims 23, 25-26, and 28 depend from Challenged Claim 1, and thus incorporate each and every limitation of Challenged Claim 1. *See* 35 U.S.C. § 112(d).

As discussed above, the Petition fails to show that there is a reasonable likelihood that Kolo alone renders Challenged Claim 1 obvious. Thus, for all the same reasons, the Petition fails to show that there is a reasonable likelihood that Kolo in view of Zyda renders Challenged Claims 23, 25-26, and 28 obvious.

VI. CONCLUSION

Accordingly, for at least the foregoing reasons, Patent Owner respectfully requests that the Board refuse to institute an *inter partes* review because Petitioner has failed to establish a reasonable likelihood that any of the Challenged Claims of the '284 patent will be found unpatentable.

Respectfully submitted,

Dated: October 21, 2025

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CERTIFICATE OF COMPLIANCE

This paper complies with the requirements of 37 C.F.R. § 42.24 and contains 8,221 words (exclusive of the table of contents, the table of exhibits, the certificate of service, and this certification).

This paper complies with the typeface requirements of 37 C.F.R. § 42.6 and has been prepared in 14 point Times New Roman proportionally spaced typeface with normal spacing.

Respectfully submitted,

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