

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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FANDUEL, INC.,  
Petitioner,

v.

WINVIEW IP Holdings, LLC,  
Patent Owner.

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Case IPR2026-00245  
U.S. Patent No. 12,005,349

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**PETITION FOR *INTER PARTES* REVIEW  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. §42.100 *et seq.***

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| <b>1002</b>        | File History of the ’349 Patent                                                                                      |
| <b>1003</b>        | European Patent Application No. 0 873 772 A1 to McKeown, et al. (“McKeown”)                                          |
| <b>1004</b>        | <i>WinView IP Holdings, LLC v. FanDuel, Inc., et al.</i> , 3:25-cv-01146 (D.N.J.), Complaint dated February 10, 2025 |
| <b>1005</b>        | Declaration of Dr. Aviel D. Rubin, Ph.D.                                                                             |
| <b>1006</b>        | Curriculum Vitae of Dr. Aviel D. Rubin, Ph.D. (“Rubin CV”)                                                           |
| <b>1007</b>        | U.S. Patent No. 4,592,546 (“’546 Patent”)                                                                            |
| <b>1008</b>        | U.S. Provisional Application No. 60/723,301 (provisional application of the ’349 Patent)                             |
| <b>1009</b>        | U.S. Provisional Application No. 60/791,793 (provisional application of the ’349 Patent)                             |

## LISTING OF CHALLENGED CLAIMS

| Independent Claim 1 |                                                                                                                                                |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1-pre</b>        | A method of playing a game, comprising:                                                                                                        |
| <b>1a</b>           | streaming video data and game data;                                                                                                            |
| <b>1b</b>           | operating a program to display the video data and the game data, wherein the video data and the game data are synchronized when displayed; and |
| <b>1c</b>           | preventing users from submitting a response to the game data based on the video data and a lockout signal.                                     |

| Dependent Claim 2 |                                                                                               |
|-------------------|-----------------------------------------------------------------------------------------------|
| <b>2</b>          | The method of claim 1 further comprising receiving a game start signal and starting the game. |

| Dependent Claim 3 |                                                                                                                       |
|-------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>3</b>          | The method of claim 1 further comprising playing the game by selecting one or more choices related to the video data. |

| Dependent Claim 4 |                                                                                              |
|-------------------|----------------------------------------------------------------------------------------------|
| <b>4</b>          | The method of claim 1 wherein the video data and the game data are displayed simultaneously. |

| Dependent Claim 5 |                                                                                                                 |
|-------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>5</b>          | The method of claim 1 wherein the video data and the game data are displayed simultaneously on the same device. |

| <b>Dependent Claim 7</b> |                                                                                                                |
|--------------------------|----------------------------------------------------------------------------------------------------------------|
| <b>7</b>                 | The method of claim 1 further comprising collecting scores and reporting performance to participants' devices. |

| <b>Dependent Claim 8</b> |                                                                                                          |
|--------------------------|----------------------------------------------------------------------------------------------------------|
| <b>8</b>                 | The method of claim 1 further comprising prohibiting further game-related input with the lockout signal. |

| <b>Dependent Claim 9</b> |                                                                                                         |
|--------------------------|---------------------------------------------------------------------------------------------------------|
| <b>9</b>                 | The method of claim 1 wherein the game data contains graphic information in addition to the video data. |

| <b>Dependent Claim 10</b> |                                                                                                                                                                                                                |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>10</b>                 | The method of claim 9 wherein the graphic information is displayed on the same device using methods including crawling information, closed captioned information, a picture in picture or a graphical overlay. |

| <b>Dependent Claim 11</b> |                                                                                                            |
|---------------------------|------------------------------------------------------------------------------------------------------------|
| <b>11</b>                 | The method of claim 1 wherein the video data or the game data is buffered in advance of a scheduled start. |

| <b>Dependent Claim 12</b> |                                                                                                                                                                             |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>12</b>                 | The method of claim 1 further comprising transmitting the video data and the game data on a transmission selected from a TCP, UDP, 3G, multicast or broadcast transmission. |

| <b>Dependent Claim 13</b> |                                                                                             |
|---------------------------|---------------------------------------------------------------------------------------------|
| <b>13</b>                 | The method of claim 1 wherein the video data and the game data are synchronously displayed. |

| <b>Dependent Claim 15</b> |                                                                                 |
|---------------------------|---------------------------------------------------------------------------------|
| <b>15</b>                 | The method of claim 1 wherein the video data comprises one or more live events. |

| <b>Dependent Claim 17</b> |                                                                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>17</b>                 | The method of claim 15 wherein information related to the one or more live events is received from a physical location corresponding to the one or more live events. |

| <b>Dependent Claim 21</b> |                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------|
| <b>21</b>                 | The method of claim 15 wherein the lockout signal applies for a limited amount of time. |

| <b>Dependent Claim 22</b> |                                                                                                           |
|---------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>22</b>                 | The method of claim 15 wherein the lockout signal applies for an action lasting a limited amount of time. |

| <b>Independent Claim 24</b> |                                                                                                                                             |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>24-pre</b>               | A server for synchronizing a game or contest with streaming content comprising:                                                             |
| <b>24a</b>                  | a memory for storing an application, the application configured for:                                                                        |
| <b>24ai</b>                 | transmitting game data for the game or contest to one or more devices on which the game or contest is to be played wherein the game data is |

| <b>Independent Claim 24</b> |                                                                                                                                                                 |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | to be synchronized with the streaming content at the one or more devices; and                                                                                   |
| <b>24a</b>                  | transmitting a lockout signal to the one or more devices to prevent users from submitting a response to the game or contest based on the streaming content; and |
| <b>24b</b>                  | a processing component coupled to the memory, the processing component configured for processing the application.                                               |

| <b>Dependent Claim 31</b> |                                                                                                                                                                                 |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>31</b>                 | The server of claim 24 wherein a plurality of synchronization points are used by a client to continuously check to ensure game data is synchronized with the streaming content. |

| <b>Dependent Claim 33</b> |                                                                                       |
|---------------------------|---------------------------------------------------------------------------------------|
| <b>33</b>                 | The server of claim 24 wherein the game or contest comprises one or more live events. |

| <b>Dependent Claim 35</b> |                                                                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>35</b>                 | The server of claim 33 wherein information related to the one or more live events is received from a physical location corresponding to the one or more live events. |

| <b>Dependent Claim 39</b> |                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------|
| <b>39</b>                 | The server of claim 33 wherein the lockout signal applies for a limited amount of time. |

| Dependent Claim 40 |                                                                                                           |
|--------------------|-----------------------------------------------------------------------------------------------------------|
| 40                 | The server of claim 33 wherein the lockout signal applies for an action lasting a limited amount of time. |

Petitioner FanDuel, Inc. (“FanDuel”) respectfully requests *inter partes* review (“IPR”) of claims 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, and 39-40 (the “Challenged Claims”) of U.S. Patent No. 12,005,349, purportedly owned by WinView IP Holdings, LLC (“Patent Owner” or “WinView”) (Ex. 1001, “’349 Patent”).

## **I. INTRODUCTION**

The ’349 Patent is directed to distributed gaming, and in particular, addressing a well-known latency problem where remote game users receive televised or streamed content with different delays in transmission. The differences in delay result in an uneven playing field where some users can view more of a live or streamed event before making game predictions related to the event. The ’349 Patent proposes a solution that includes streaming underlying broadcast programming and separate game data and providing a synchronized display of video and game data, which is accomplished by the server and client using synchronization points or “delay adjustments.” To prevent further “gamesmanship” as events unfold, the ’349 Patent utilizes a lockout signal that prevents additional game-related input from remote game users based on the video of the event. The lockout signal further preserves the fairness and integrity of game-related predictions.

This Petition challenges the patentability of the '349 Patent because European Patent Application No. 0 873 772 A1 to McKeown, et al. ("McKeown") (Ex. 1003) discloses each limitation of the Challenged Claims. As detailed below, McKeown teaches the simultaneous transmission of broadcast video and interactive game data, synchronized display at remote devices based on common timing, and a time-stamped lockout signal that prevents further predictions after events have occurred in the live broadcast. McKeown teaches the claimed features—streaming video and game data, synchronized display, and a lockout signal preventing further responses—and therefore anticipates the Challenged Claims.

Because this Petition establishes, by a preponderance of the evidence, that the Challenged Claims are anticipated in view of the prior art, there is "a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable." 37 C.F.R. § 42.108(c). This Petition should therefore be instituted.

## **II. MANDATORY NOTICES PURSUANT TO 37 C.F.R. § 42.8(A)(1)**

### **A. Real Party-in-Interest under 37 C.F.R. § 42.8(b)(1)**

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that the real parties-in-interest are:

- (i) FanDuel, Inc.
- (ii) FanDuel Group, Inc.

- (iii) FanDuel Group Parent LLC
- (iv) Betfair Interactive US LLC
- (v) ODS Technologies, L.P. d/b/a TVG Network

Petitioner FanDuel, Inc. has the sole authority to direct all activities relating to the Petitioner and this Petition or any future proceedings related to this Petition.

**B. Related Matters under 37 C.F.R. § 42.8(b)(2)**

Pursuant to 37 C.F.R. § 42.8(b)(2), Petitioner is aware of the following related matters:

| Case Name                                                  | Number                 | Filed             |
|------------------------------------------------------------|------------------------|-------------------|
| <i>WinView IP Holdings, LLC v. FanDuel, Inc., et al.</i>   | 3:25-cv-01146 (D.N.J.) | February 10, 2025 |
| <i>WinView IP Holdings, LLC v. DraftKings Inc., et al.</i> | 3:25-cv-01143 (D.N.J.) | February 10, 2025 |

**C. Lead and Backup Counsel under 37 C.F.R. § 42.8(b)(3)-(4)**

Petitioner hereby identifies its lead and backup counsel as follows:

| Lead Counsel                                                                                                                                                   | Backup Counsel                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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**D. Service Information under 37 C.F.R. § 42.8(b)(4)**

This Petition is being served by Federal Express Next Business Day Delivery to the correspondence address of record for the '349 Patent:

Haverstock & Owens, A Law Corporation  
162 North Wolfe Road  
Sunnyvale, CA 94086

The Petition is further being served on Litigation Counsel for WinView by electronic mail at:

Jonathan S. Caplan  
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Please direct all correspondence to lead and back-up counsel at the contact information above. Petitioner also consents to service by email at: [AFSFANDUELIPR@afslaw.com](mailto:AFSFANDUELIPR@afslaw.com).

**E. Power of Attorney under 37 C.F.R. § 42.10(b)**

A Power of Attorney is being filed concurrently herewith with designation of the counsel above.

### **III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104**

#### **A. Grounds for Standing under 37 C.F.R. § 42.104(a)**

Petitioner certifies that the '349 Patent is available for IPR and that Petitioner is not barred or estopped from requesting IPR on the Challenged Claims on the identified grounds. This Petition is timely because it was filed within one year of service of Patent Owner's complaint (Ex. 1004) alleging infringement of the '349 Patent and more than 9 months after the '349 Patent issued.

#### **B. Identification of Challenge and Precise Relief Requested, 37 C.F.R. § 42.104(b)**

Petitioner requests cancellation of the Challenged Claims. The Petition is supported by the Declaration of Dr. Aviel Rubin (Ex. 1005), a technical expert with more than 30 years of experience in the fields of computer science and gaming platforms. *Id.* at ¶ 4; Ex. 1006 ("Rubin CV").

The Petition presents the following single ground of challenge:

| <b>Ground</b> | <b>Claims</b>                                       | <b>Basis</b>       | <b>Publication</b>                                       |
|---------------|-----------------------------------------------------|--------------------|----------------------------------------------------------|
| 1             | 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, and 39-40 | § 102(b) (pre-AIA) | European Patent Application No. 0 873 772 A1 ("McKeown") |

#### **C. Prior Art Publication**

Petitioner relies upon the following patent publication:

The European Patent Publication EP 0 873 772 A1 (“McKeown”) (Ex. 1003) was filed with the European Patent Office on April 16, 1998 and published on October 28, 1998. *Id.* McKeown is prior art to the ’349 Patent under 35 U.S.C. § 102(b) (pre-AIA).

#### **IV. OVERVIEW OF THE ’349 PATENT**

The ’349 Patent, titled “Synchronized gaming and programming,” was filed with the USPTO on September 29, 2021, and issued as a patent on June 11, 2024. Ex. 1001. It claims priority to U.S. Provisional Application No. 60/723,301 (Ex. 1008) filed on October 3, 2005, and U.S. Provisional Application No. 60/791,793 (Ex. 1009) , filed on Apr. 12, 2006, through a series of continuations, continuations-in-part and a divisional application. Ex. 1001, 1:6-53.

##### **A. Alleged Problem That the ’349 Patent Addresses**

The ’349 Patent generally “relates to the field of distributed gaming.” Ex. 1001, 1:57-58. According to the ’349 Patent, “[g]ames of skill that rely on participation by watching an event on a television have potential latency issues since television signal reception is *not synchronized* nationwide.”<sup>1</sup> *Id.*, 2:45-47. “For example, a participant in Texas using a satellite dish network may experience a 3

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<sup>1</sup> All emphasis added unless stated otherwise.

second delay compared to an individual in California using a cable network.” *Id.*, 2:48-50. “Also, there are delays between individuals attending a game live and those watching the game live on television.” *Id.*, 2:54-56; Ex. 1005, ¶ 29.

“In a game of skill . . . fair competition necessitates that a fast-paced game, based on the unfolding television action has a level playing field for all participants regardless of how they receive their television signal.” Ex. 1001, 3:66-4:2. Particularly, the ’349 Patent notes that “[p]eople have an unsatisfactory experience and/or others are able to gain a potential competitive advantage from the variances in the exact time one viewer sees an event on their television versus another competitor who receives their television signal through a different delivery path.” *Id.*, 4:14-18; Ex. 1005, ¶ 30.

“One example is a game [that] is based upon a football telecast, wherein competitors predict the play that the coaches and/or quarterback call prior to the snap of the ball.” Ex. 1001, 4:29-31. “The competitor’s prediction is based among other things on their observation of the down, distance and the offensive and defensive formations on the field and tendencies of the teams in these situations.” *Id.*, 4:32-35; Ex. 1005, ¶ 31.

The ’349 Patent further acknowledges that typically, “[s]uch a game utilizes a ‘lock out’ signal, as described in the U.S. Pat. No. 4,592,546 [a prior art patent from

1984 (Ex. 1007)] . . . to prohibit the entry of predictions after the competitor sees the play begin to unfold, at the snap of the ball.” Ex. 1001, 4:35-41; Ex. 1005, ¶ 32; *see also* Ex. 1001, 7:10-15 (disclosing use of a “time stamp” as a lockout signal). But the ’349 Patent suggests that “[i]f the game producer is viewing a television signal several seconds before some competitors and generating a time stamp based on that event, an advantage is able to result if the difference in the time stamp and the receipt of the ‘lock out’ signal is more than several seconds earlier in relation to another competitor’s television signal which is delayed.” Ex. 1001, 4:43-49. “During this period of time, for example, on a first or second down situation, a competitor receives the ‘lock out’ just as the quarterback receives the snap and the corresponding television signal at the same time as the game producer while another competitor with a delayed television signal, receives a ‘lock out’ signal while the quarterback is approaching the line of scrimmage.” *Id.*, 4:49-56; Ex. 1005, ¶ 32.

“In another example, if the game producer is viewing a signal after a viewer, a competitor might see the quarterback start to drop back into a ‘shot gun’ formation, making the likelihood of a pass considerably higher. This latter player might have time to change his prediction from, ‘run’ to ‘pass’ before receiving a ‘lock out’ generated at the snap of the ball.” Ex. 1001, 4:56-62.

Therefore, “[a] person consistently receiving a ‘lock out’ later than another competitor might, through the course of the game, gain some competitive advantage.” *Id.*, 4:62-64. The ’349 Patent, however, acknowledges that there may not be any discernable problems with the prior solutions that existed as early as 1984. *Id.*, 4:65-5:3 (“While it is not clear that sufficient enough competitive advantage is gained between a competitor receiving his ‘lock out’ signal precisely at the snap of the ball and one who is locked out a few seconds prior to the snap of the ball, this discrepancy could present the appearance of a playing field that is not level”). Ex. 1005, ¶ 34.

Thus, although there may not be any actual competitive advantage from prior “lock out” solutions, “the primary benefits of the system addressed in the [’349 Patent] is to ensure the competitors feel they are on equal footing.” Ex. 1001, 5:3-5; Ex. 1005, ¶ 35.

## **B. The Alleged Solution from the ’349 Patent**

The ’349 Patent purports to solve “[t]he above described issue through a system and method to effectively equalize systemic propagation delay variances to a required level dictated by the demands and rules of a particular game, so that a material competitive advantage is not obtained and the user experience is optimized for all players.” Ex. 1001, 5:6-11; Ex. 1005, ¶ 36. However, its alleged solution does

nothing more than disclosing technology and concepts that were well known prior to the patent's filing.

In one methodology, “an event is streamed via an Internet connection, where a game control system measures the compression caused delay in signal delivery for separate sources and appropriately adjusts the game control data to individually synchronize with the separate sources of the televised event.” Ex. 1001, 6:9-14. The use of “artificial time delays on the game control information imposed by the game control server [] would substantially equalize the receipt of ‘lock out’ data relative to the event triggering the ‘lock out,’ based on the underlying television programming, for example, the snap of the football.” Ex. 1001, 6:40-45; Ex. 1005, ¶ 37. Accordingly, “[p]layers receiving the television signals in advance of the one with the slowest receipt of the television signal would receive ‘lock out’ signals slightly delayed or time stamped with a slightly later time as described in [prior art] U.S. Pat. No. 4,592,546.” Ex. 1001, 6:46-49; Ex. 1005, ¶ 37.

The '349 Patent also discloses a method of implementing a game synchronized with programming. Ex. 1001, 17:54-55; Ex. 1005, ¶ 38. As depicted in Figure 6 below, first, “an application detects programming with which to be synchronized.” Ex. 1001, 17:56-57. “In the **step 602**, the application synchronizes with the programming to provide application data such as gaming data.” *Id.*, 17:57-

59. Then “[i]n the step 604, based on user responses, the game is executed.” *Id.*, 17:59-60.

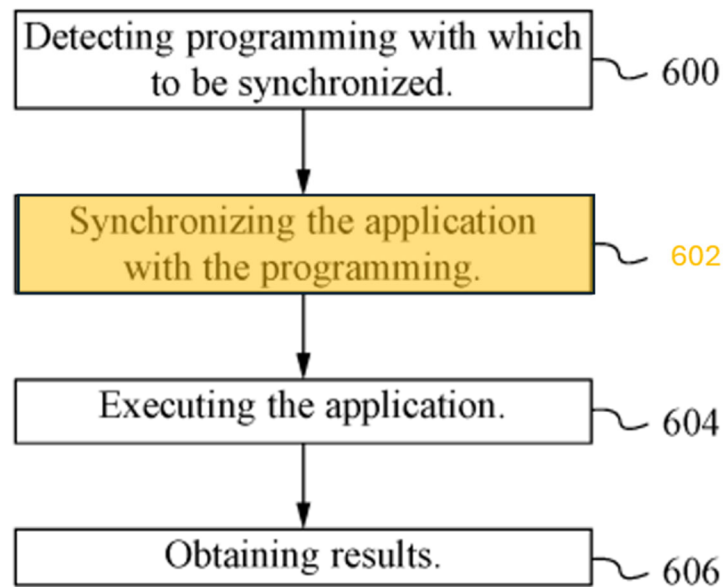


Fig. 6

*Id.*, Fig. 6 (annotated).

The '349 Patent teaches that detection of programming and its synchronization with game data are “able to be implemented in any manner.” *Id.*, 18:1-2. For example, “[e]xisting events in the telecast are used as synchronization points or start points for previously downloaded data files to a mobile client, as well as a watermark, fingerprint not detectable by the viewer. A synchronization point is a visible or audible event located within the telecast.” *Id.*, 18:7-11. “Information is embedded in the telecast and tracked online in real-time.” *Id.*, 18:15-16. Once a start

time is recognized and delivered, a “plurality of synchronization points are used by a client to continuously check to ensure pre-produced data files are synchronized with the telecast.” *Id.*, 18:20-23.

The '349 Patent emphasizes that “synchronizing includes determining an amount of delay to precisely synchronize between the game stored on a mobile device and the receipt of the program presented on a television (or mobile device through streaming) and substantially equalizing presentation of the game of skill or chance with programming or a commercial contained in a telecast through adjustment for the amount of delay of the telecast (or streaming content). Substantially equalizing includes equalizing receipt of lockout events relative to a televised/streamed event triggering a lockout. Synchronizing includes substantially equalizing a participant delay to ensure the participants each receive the game of skill or chance at substantially the same time. Synchronizing includes determining participant latency[.]” *Id.*, 18:32-45; Ex. 1005, ¶ 40.

In sum, the '349 Patent discloses and claims nothing more than the well-known concept of using lockout signals and synchronizing the transmission of a live telecast with an interactive gaming application, which are concepts that were well known in the art prior to the '349 Patent. Ex. 1005, ¶ 41.

### **C. The Prosecution History**

The '349 Patent issued from U.S. Application No. 17/488,674. Ex. 1002. The Patent Office issued a Non-Final Rejection on April 13, 2023, rejecting Claims 25-37 and 62-89 of the '349 Patent based on double patenting and indefiniteness. *Id.* at 1093-96. On July 5, 2023, the Applicant filed a Terminal Disclaimer and Amendment and Response to the Non-Final Rejection amending Claims 25, 27-30, 33-37, 62, 67, 73, 74, and 78 respectively. *Id.* at 1103-08. On October 10, 2023, the Patent Office issued another Non-Final Rejection accepting the applicant's amendments as persuasive and reexamining Claims 25-37 and 62-89 but rejecting Claims 25 and 72 based on double patenting. *Id.* at 1184-86. On January 5, 2024, the applicant filed another Terminal Disclaimer and Amendment/Request for Reconsideration. *Id.* at 1197-99, 1203. On February 9, 2024, the Patent Office issued a Notice of Allowability. *Id.* at 1354. The Notice of Allowability did not include any statements from the Examiner regarding the reasons for allowance beyond the cover sheet. *Id.* The Patent Office issued a Corrected Notice of Allowability on February 28, 2024. *Id.* at 1636.

### **V. CLAIM CONSTRUCTION**

Claims are given their “ordinary and customary meaning,” as understood by a skilled artisan and the prosecution history pertaining to the patent. 37 C.F.R.

§ 42.100(b). The Board need only to construe claim terms to the extent necessary to resolve a controversy. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). For purposes of this proceeding only, Petitioner does not believe any claim construction is necessary to resolve the invalidity analysis. Should the Patent Owner, seeking to avoid the prior art, offer a construction or interpretation for any terms, Petitioner reserves the right to respond.

## **VI. LEVEL OF ORDINARY SKILL IN THE ART**

A person of ordinary skill in the art (“POSITA”) as of April 12, 2006, would typically have at least a bachelor’s degree, or equivalent, in Computer Science and several years of experience in software development. A POSITA would understand the references referred to in these proceedings and have the capability to draw inferences from them.

## **VII. THE CHALLENGED CLAIMS ARE UNPATENTABLE BECAUSE MCKEOWN ANTICIPATES CLAIMS 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, AND 39-40.**

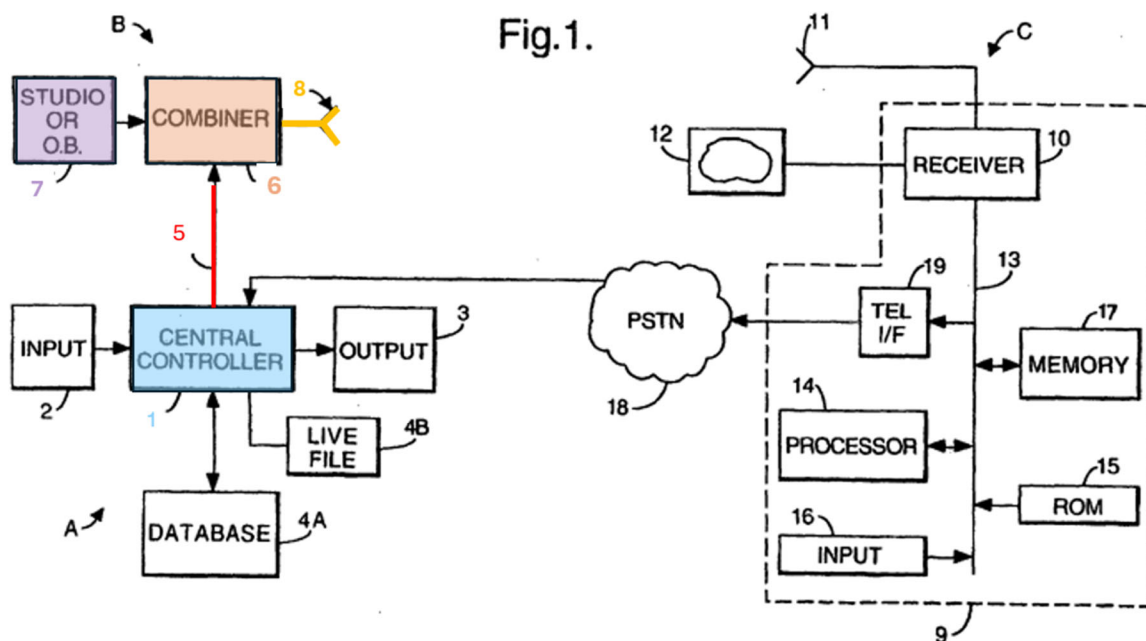
Claims 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, and 39-40 of the ’349 Patent are anticipated by McKeown under at least 35 U.S.C. § 102(b) (pre-AIA). Ex. 1005, ¶ 51.

**A. Overview of McKeown**

The McKeown patent clearly solves the same problems alleged by the '349 Patent. McKeown is titled “Interactive, predictive game control system.” Ex. 1003. “In an interactive, predictive game played in conjunction with a live TV broadcast, remote players attempt to predict certain events which may or may not occur during the broadcast and will be awarded prizes, monetary or otherwise, if they are successful.” *Id.*, 1:6-10; Ex. 1005, ¶ 42. “Examples of interactive, predictive games include horse racing where the players can try to predict winners or place bets on particular horses to win or be placed in a race, and football matches where *players may try to predict the final score or the time of occurrence of certain events* such as the time of the first goal, first booking etc.” *Id.*, 1:10-16; Ex. 1005, ¶ 42.

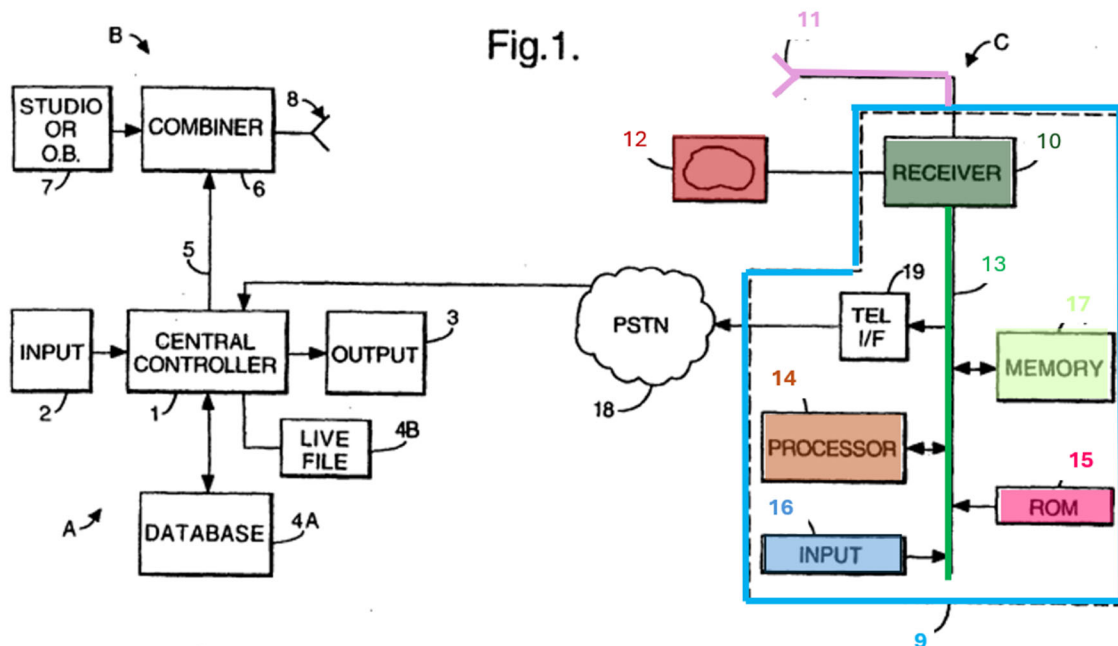
Referring to the left side of annotated Fig. 1 below, McKeown discloses an “interactive broadcast network” comprising a “game control system A including a central controller 1 which will include a computer such as a PC operating a Windows based system, connected to an input device 2 such as a keyboard and/or mouse and the like and to an output device 3 which may include a monitor and/or printer. A database 4A stores data relating to service functions and remote users, which can be accessed and amended by the **central controller 1**, while a Live File store 4B is provided for storing data relating to the game being or to be broadcast. The **central**

**controller 1** generates data which can be converted to TV display signals and other control signals associated with various services functions, on a **line 5** connected to a **combining unit 6** defining an insertion point of a TV broadcast system B. The **combining unit 6** receives television broadcast signals from a **studio 7** (or outside broadcast (OB) location, in the case of a live event), and combines these with the signals on **line 5** so that they are transmitted simultaneously by a **transmitter 8** to remote users or players C.” Ex. 1003, 3:50-4:12. Put very simply, and shown below, McKeown discloses that streaming live video and game data is combined and then broadcast together to remote users. Ex. 1005, ¶ 43.



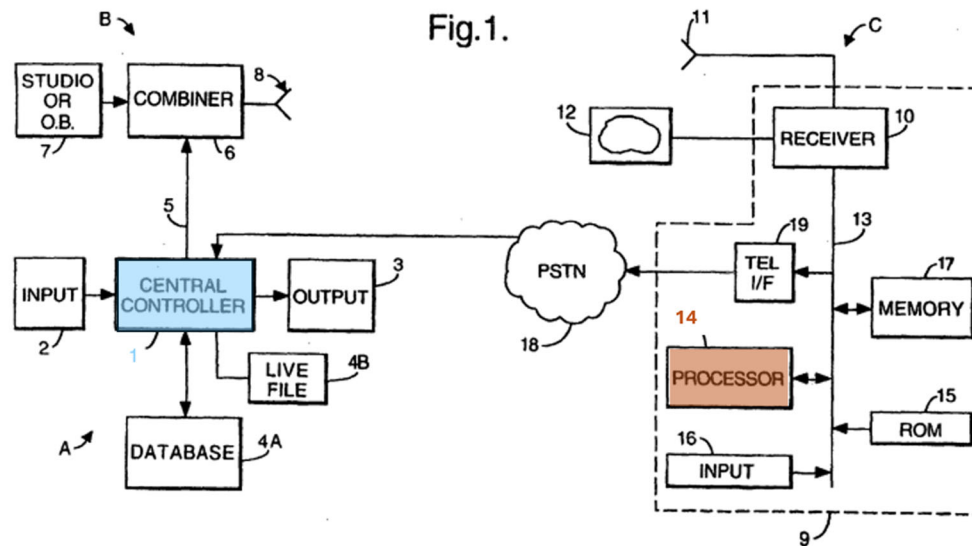
*Id.*, Fig. 1 (annotated).

With respect to the remote players shown on the right side of annotated Fig. 1 below, McKeown discloses “[e]ach remote user C has a home or **remote unit 9** having a **television receiver 10** connected to an **aerial 11** and a **monitor 12**. The **home unit 9** includes an **address/databus 13** connected to **receiver 10**, the **bus 13** being connected to a **microprocessor 14**, a **memory 15**, such as a ROM, storing programme instructions for the **processor 14**, one or more input **devices 16** such as a keyboard or mouse, and a **control memory (RAM) 17**. Signals transmitted by the **processor 14** can be communicated to the central controller 1 via a public switched telephone network 18 which is selectively accessed by a telephone interface unit 19 connected to the **bus 13**.” *Id.*, 4:20-32.



*Id.*, Fig. 1 (annotated). Put very simply, McKeown discloses a user receiving the combined streaming live video and game data that has been broadcast from the interactive broadcast network, just as the '349 Patent claims to invent. Ex. 1005, ¶ 44.

McKeown also discloses synchronization of the streaming live video and game data: “In order to obtain accurate synchronisation between the central controller clock and each remote unit C, all parts of the interactive network work to a common universal system clock. Synchronisation is maintained by the **central controller 1** repeatedly issuing synchronisation signals as part of the messages which are broadcast. Each **microprocessor 14** monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy gradually adjusts its clock to agree with the synchronisation signal.” Ex. 1003, 6:27-36.



*Id.*, Fig. 1 (annotated). A POSITA would understand from McKeown that the synchronization signals generated by central controller 1 allow the live video data to be synchronized with the game data based on the “common universal system clock.” Ex. 1005, ¶ 45.

McKeown further discloses preventing remote game players from submitting predictions at certain times during a live event via a lockout signal, in the same vein as the later-filed '349 Patent. McKeown discloses that “[t]ime stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, *the signal can be used as a lock-out command* preventing further predictions being made by the remote player(s)[.]” Ex. 1003, 2:56-3:2. For example, McKeown discloses that immediately after a sporting event commences, “the central controller 1 will issue *a lock-out signal* which is broadcast to the remote

units C and to which each processor 14 responds *to prevent any further predictions from being entered.*” *Id.* at 6:14-18; *see also* 8:53-58; Ex. 1005, ¶ 46.

McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast. Ex. 1003, 7:14-16 (“The central controller 1 also allows a further game to be played by the remote players *during the live broadcast* of the football match. This is known as ‘Action Ball’.”) During the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . .The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.” *Id.*, 7:30-38; Ex. 1005, ¶ 47. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” Ex. 1003, 7:38-44. A POSITA would understand that the operator time stamp is utilized as a lockout signal that prevents registering of user’s input for that event after the time stamp has been broadcast. Ex. 1005, ¶ 47.

McKeown further discloses how remote game players initiate and play an interactive game. McKeown discloses a “PlayLive Football” (soccer) embodiment, where “[i]f a remote player wishes to play the interactive game, he operates his input device 16 to indicate to the processor 14 that the game is to be initiated and the processor 14 will respond to the information supplied from the central controller 1 and stored in the memory 17 to display a screen ... This indicates to the player the type of prediction which he can attempt.” Ex. 1003, 5:45-5:52. McKeown further discloses that, “*The remote player can then select one or more of the predictions.* For example, if he selects, using the input device 16, the “Time Slot of First Goal”, [a] screen ... will be displayed which defines six different 15-minute periods during the playing of a football game. The player can then indicate one of those periods using the input device 16, for example, the period 16-30 minutes, and this prediction is then stored in the memory 17. In a similar way, the player can predict any one or more of the other items set out Figure 6.” *Id.*, 5:56-6:7; Ex. 1005, ¶ 48.

Similarly, McKeown further discloses a “PlayLive Racing” (horse racing) embodiment, where “[j]ust prior to the start of a race, the remote players are given the opportunity to *predict the outcome of that race using one of the variety of bets on offer (i.e. win, place, each way)*. The remote player can choose to place a bet via

an appropriate screen [...] and once he has selected a bet and confirmed the amount of money he wishes to wager, he will receive confirmation that the bet has been accepted and these details will be stored by the microprocessor 14 in the memory 17.” Ex. 1003, 8:43-52; Ex. 1005, ¶ 49.

McKeown therefore discloses the same solutions the ’349 Patent claims and thus anticipates the challenged claims. Like the ’349 Patent, McKeown combines live television broadcast with interactive game data for simultaneous delivery from a central controller through a combining unit to remote units, as claimed. Ex. 1003, 3:50-4:12; Ex. 1001, 6:9-14. McKeown further provides synchronization using a common clock and repeated sync/time-stamp messages so that on-screen game prompts align with the live broadcast, mirroring the ’349 Patent’s synchronization. Ex. 1003, 6:27-36; Ex. 1001, 17:54-63, 18:1-45. McKeown issues time-stamped lockout commands (including back-stamped event times) that prevent inputs after moments in a live event, the same lockout functionality the ’349 Patent claims. Ex. 1003, 6:19-23, 7:19-50, 8:53-58; Ex. 1001, 6:40-45. McKeown’s remote-unit architecture—processor, memory, user input device, and a return path to the central controller—together with the PlayLive Football and PlayLive Racing embodiments, implement the same end-to-end flow (pre-broadcast setup, combined transmission, and event-tied lockouts) as described in the ’349 Patent. *See supra* IV. Accordingly,

because McKeown discloses each claimed element based on the same solutions, the '349 Patent is anticipated by the challenged claims. Ex. 1005, ¶ 50.

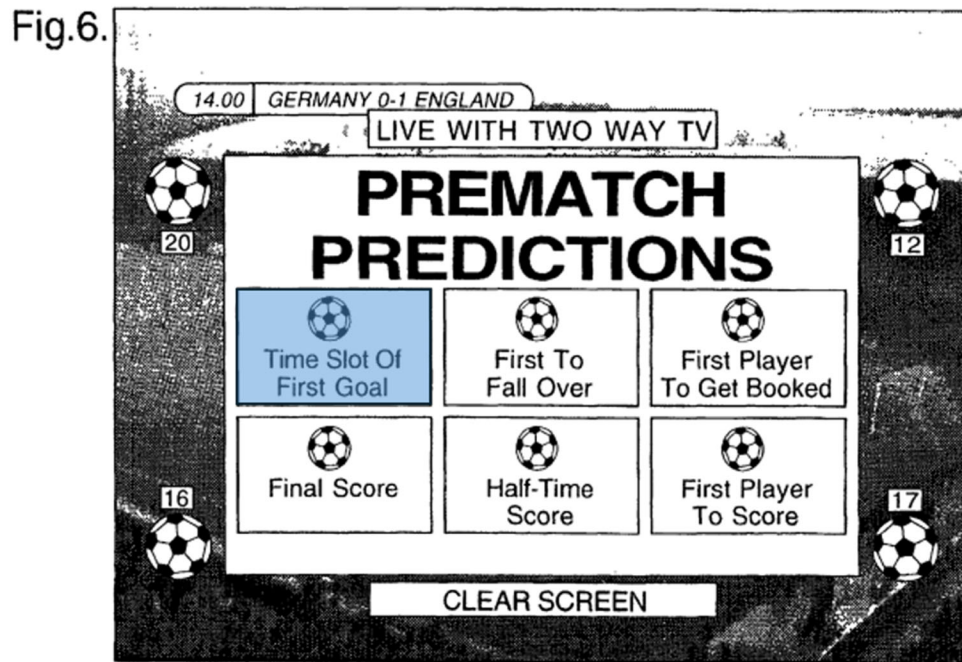
**B. Independent Claim 1**

1. A method of playing a game, comprising:
  - a. streaming video data and game data;
  - b. operating a program to display the video data and the game data, wherein the video data and the game data are synchronized when displayed; and
  - c. preventing users from submitting a response to the game data based on the video data and a lockout signal.

Ex. 1001, 20:52-58.

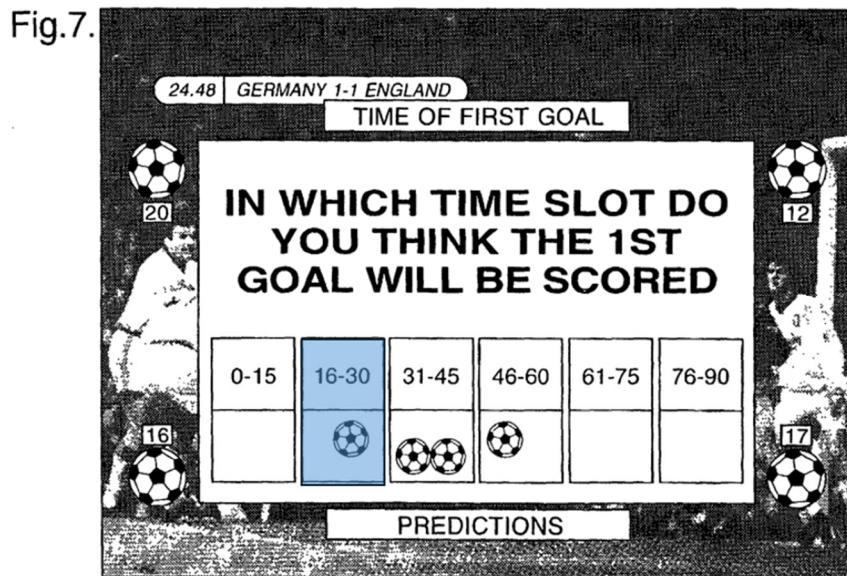
**1) Preamble: “A method of playing a game, comprising:”**

As discussed above (*supra* VII.A) and as shown in annotated Figs. 6 and 7 below, McKeown discloses a method of playing a game. McKeown discloses a “PlayLive Football” (soccer) embodiment, where “[i]f a remote player wishes to play the interactive game, he operates his input device 16 to indicate to the processor 14 that the game is to be initiated and the processor 14 will respond to the information supplied from the central controller 1 and stored in the memory 17 to display a screen similar to that shown in Figure 6. This indicates to the player the type of prediction which he can attempt.” Ex. 1003, 5:45-52.



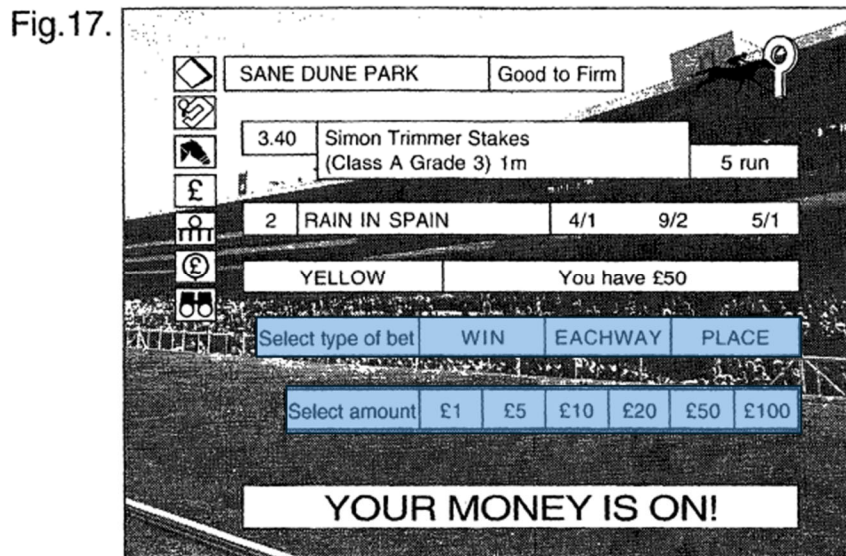
*Id.*, Fig. 6 (annotated).

McKeown further discloses that, “*The remote player can then select one or more of the predictions.* For example, if he selects, using the input device 16, the “**Time Slot of First Goal**”, the screen shown in Figure 7 will be displayed which defines six different 15-minute periods during the playing of a football game. The player can then indicate one of those periods using the input device 16, for example, **the period 16-30 minutes**, and this prediction is then stored in the memory 17. In a similar way, the player can predict any one or more of the other items set out in Figure 6.” *Id.*, 5:56-6:7; Ex. 1005, ¶ 54.



Ex. 1003, Fig. 7 (annotated).

Similarly, McKeown discloses a “PlayLive Racing” (horse racing) embodiment, where “[j]ust prior to the start of a race, the remote players are given the opportunity to predict the outcome of that race using one of the variety of **bets on offer (i.e. win, place, each way)**. *The remote player can choose to place a bet* via an appropriate screen (Figure 17) and once he has selected a bet and confirmed the **amount of money** he wishes to wager, he will receive confirmation that the bet has been accepted and these details will be stored by the microprocessor 14 in the memory 17.” *Id.*, 8:43-52; Ex. 1005, ¶ 55.



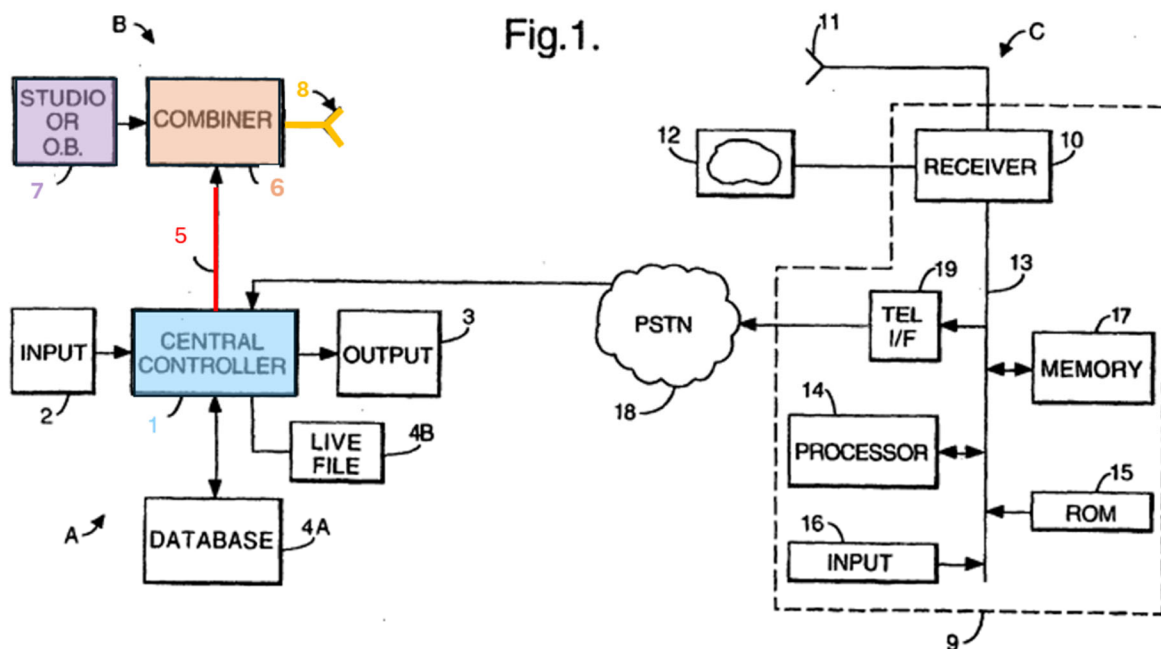
Ex. 1003, Fig. 17 (annotated).

Thus, McKeown expressly teaches “[a] method of playing a game.” Ex. 1005, ¶ 56.

a. “streaming video data and game data;”

As discussed above (*supra* VII.A) and as shown in annotated Fig. 1 below, McKeown discloses streaming video data and game data: “A database 4A stores data relating to service functions and remote users, which can be accessed and amended by the **central controller 1**, while a Live File store 4B is provided for *storing data relating to the game being or to be broadcast*. The **central controller 1** generates data which can be converted to *TV display signals and other control signals* associated with various service functions, on a **land line 5** connected to a **combining unit 6** defining an insertion point of a TV broadcast system B. The **combining unit**

6 receives *television broadcast signals* from a **studio 7** (or outside broadcast (OB) location, in the case of a live event), *and combines these with the signals on the line 5* so that *they are transmitted simultaneously* by a **transmitter 8** to remote users or players C.” Ex. 1003, 3:56-4:12. Thus, McKeown expressly teaches the simultaneous transmission of live television broadcast signals and interactive game data to remote users, which a POSITA would understand to be streaming. McKeown therefore discloses “streaming video data and game data.” Ex. 1005, ¶ 57.



Ex. 1003, Fig. 1 (annotated).

**b. “operating a program to display the video data and the game data,”**

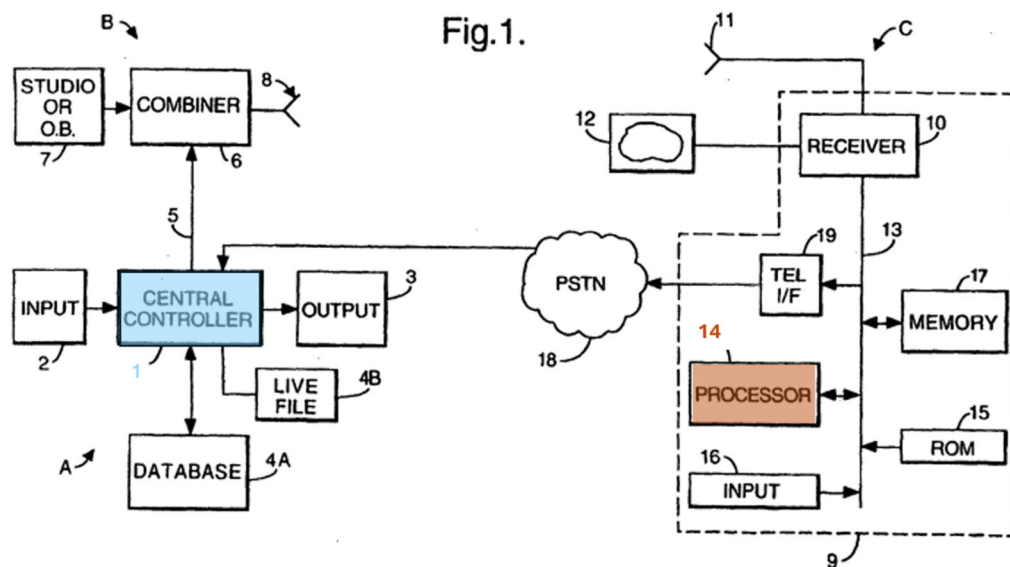
McKeown discloses operating a program to display the video data and the game data. McKeown discloses “an interactive, predictive game control system for use in conjunction with a live TV broadcast received by one or more remote players comprises *a central controller for generating game playing data for transmission with a TV broadcast* to the remote player(s) and for receiving information from the remote player(s)[.]” *Id.*, 1:36-41; *see also id.* at 3:50-4:12. McKeown further discloses that, “The operator is able to select data... and *arrange for this to be assembled as appropriate into a display format which can then be transmitted in association with a TV broadcast*... to the remote player(s).” *Id.*, 2:19-25.

Thus, McKeown expressly teaches “operating a program to display the video data and the game data.” Ex. 1005, ¶ 59.

**c. “wherein the video data and the game data are synchronized when displayed”**

McKeown discloses video data and game data that are synchronized when displayed. As discussed above (*supra* VII.A) McKeown discloses a central controller that generates game data, which is combined with video data and ultimately transmitted to a remote user C. Ex. 1003, 3:56-4:12.

McKeown also discloses that the video data and game data transmitted to remote user C are synchronized when displayed: “In order to obtain accurate synchronisation between the central controller clock and each remote unit C, all parts of the interactive network work to a common universal system clock. *Synchronisation is maintained by the central controller 1 repeatedly issuing synchronisation signals as part of the messages which are broadcast.* Each **microprocessor 14** monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy *gradually adjusts its clock to agree with the synchronisation signal.*” *Id.*, 6:27-36.



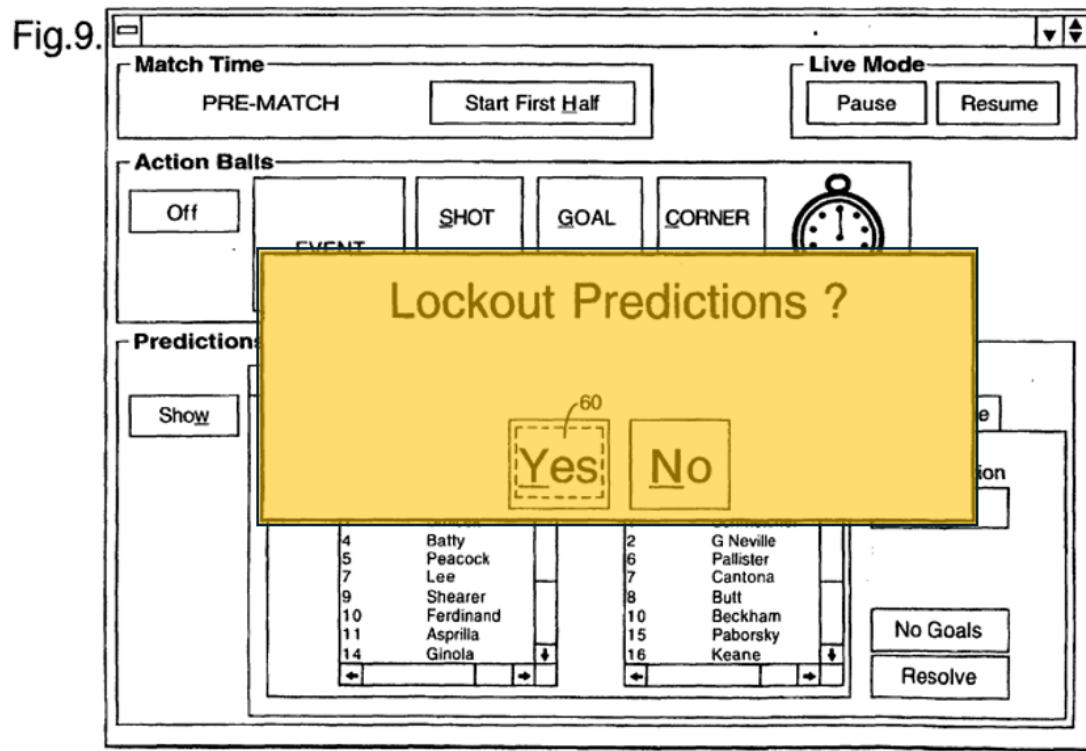
*Id.*, Fig. 1 (annotated).

A POSITA would understand from McKeown that the synchronization signals generated by central controller 1 allow the live video data to be synchronized with the game data based on the “common universal system clock.” Ex. 1005, ¶ 62. Thus, McKeown expressly teaches “wherein the video data and the game data are synchronized when displayed.” *Id.*

**d. “preventing users from submitting a response to the game data based on the video data and a lockout signal.”**

McKeown discloses preventing users from submitting a response to the game data based on the video data and a lockout signal. As discussed above (*supra* VII.A) McKeown discloses that time-stamped signals supplied to the remote players can be used as a lock-out signal. Ex. 1003, 2:56-3:2 (“Time stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, the signal can be used as a lock-out command preventing further predictions being made by the remote player(s)[.]”). Notably, the ’349 Patent similarly discloses use of a “time stamp” as a lockout signal. Ex. 1001, 7:10-15. Ex. 1005, ¶ 63.

For example, as shown in annotated Fig. 9 below, McKeown discloses that immediately after an operator has confirmed that a sporting event has commenced, a **pop-up window** is displayed allowing the operator to lock out further predictions at the start of the game:



*Id.* at Fig. 9 (annotated). In response to the operator selecting the “Yes” button 60, “the central controller 1 will issue *a lock-out signal* which is broadcast to the remote units C and to which each processor 14 responds *to prevent any further predictions from being entered.*” *Id.*, 6:14-18. Similarly, McKeown discloses a “PlayLive Racing” (horse racing) embodiment, where “[a]s soon as the race begins ... an appropriately back stamped time stamp signal will be broadcast causing each microprocessor 14 to lock out all future predictions and to cancel any predictions made after the time defined by the back stamped time stamp.” *Id.*, 8:53-58.

McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast of a sporting event. *Id.*, 7:14-16 (“The central controller 1 also allows a further game to be played by the remote players **during the live broadcast** of the football match. This is known as ‘Action Ball’.”) During the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . .The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.” *Id.*, 7:30-38; Ex. 1005, ¶ 67. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” Ex. 1003., 7:38-44. A POSITA would understand that the operator time stamp is utilized as a lockout signal that prevents registering of user’s input for that event after the time stamp has been broadcast. Ex. 1005, ¶ 67.

Accordingly, McKeown discloses “preventing users from submitting a response to the game data based on the video data and a lockout signal.” *Id.*, ¶ 68.

For the reasons set forth above, McKeown discloses a method of playing a game as recited, including the simultaneous transmission of streaming video data and interactive game data, operation of a program that displays both the video and the game data to remote users, synchronization of the displayed video and game data using a common universal system clock and repeated broadcast synchronization signals, and the prevention of further user responses via lock-out and time-stamped signals during live events. A person of ordinary skill in the art would understand these disclosures to satisfy each and every aspect of the recited method, including the preamble (to the extent it is limiting) and limitations (a)–(d). Accordingly, challenged claim 1 is fully met by McKeown. *Id.*, ¶ 69.

**C. Dependent Claim 2**

2. The method of claim 1 further comprising receiving a game start signal and starting the game.

Ex. 1001, 20:59-60.

McKeown discloses receiving a game start signal and starting the game. Ex. 1003, 6:8-18; Figs. 5 and 8; *see supra* VII.B.

McKeown discloses that, once the sporting event commences, “the operator clicks on the ‘Start First Half’ button 59 (Figure 5) and this will cause the central controller 1 to display the screen of Figure 8 asking the operator to confirm. Following confirmation, the screen of Figure 9 is displayed allowing the operator to

lock out further predictions at the start of the game. In response the central controller 1 will issue a lock-out signal which is broadcast to the remote units C and to which each processor 14 responds to prevent any further predictions from being entered.” Ex. 1003, 6:8-18. A POSITA would understand that the “Start First Half” button is utilized as a game start signal to allow the game to start. Ex. 1005, ¶ 71.

Accordingly, McKeown discloses “receiving a game start signal and starting the game.” Ex. 1005, ¶ 72.

#### **D. Dependent Claim 3**

3. The method of claim 1 further comprising playing the game by selecting one or more choices related to the video data.

Ex. 1001, 20:61-63.

McKeown discloses playing the game by selecting one or more choices related to the video data. Ex. 1003, 5:45-6:7, 8:43-52; Figs. 6, 7, and 17; *see supra* VII.B.

As discussed above (*supra* VII.B) McKeown discloses a “PlayLive Football” (soccer) embodiment, where “[t]he remote player can then *select one or more of the predictions*. For example, if the remote player selects, using the input device 16, the ‘Time Slot of First Goal’, the screen shown in Figure 7 will be displayed which defines six different 15-minute periods during the playing of a football game. *The player can then indicate one of those periods* using the input device 16, for

example, the period 16-30 minutes, and this prediction is then stored in the memory 17. In a similar way, *the player can predict any one or more of the other items set out in Figure 6.*” Ex. 1003, 5:56-6:7; Ex. 1005, ¶ 74.

Similarly, McKeown discloses a “PlayLive Racing” (horse racing) embodiment, where “[j]ust prior to the start of a race, the remote players are given the opportunity to predict the outcome of that race using one of the variety of bets on offer (i.e. win, place, each way). *The remote player can choose to place a bet via an appropriate screen (Figure 17) and once he has selected a bet and confirmed the amount of money he wishes to wager*, he will receive confirmation that the bet has been accepted and these details will be stored by the microprocessor 14 in the memory 17.” Ex. 1003, 8:43-52; Ex. 1005, ¶ 75.

Accordingly, McKeown discloses “playing the game by selecting one or more choices related to the video data.” Ex. 1005, ¶ 76.

#### **E. Dependent Claim 4**

4. The method of claim 1 wherein the video data and the game data are displayed simultaneously.

Ex. 1001, 20:64-65.

McKeown discloses the video data and the game data are displayed simultaneously. Ex. 1003, 1:36-41, 2:19-23, 4:6-4:12; Fig. 1; *see supra* VII.B.

As discussed above (*supra* VII.B) McKeown discloses that, “an interactive, predictive game control system for use in conjunction with a live TV broadcast received by one or more remote players comprises *a central controller for generating game playing data for transmission with a TV broadcast* to the remote player(s) and for receiving information from the remote player(s)[.]” Ex. 1003, 1:36-41; *see also id.* at 4:6-4:12 (discussing signals ... *are transmitted simultaneously* by a transmitter 8 to remote users or players C). McKeown further discloses that, “The operator is able to select data... and *arrange for this to be assembled as appropriate into a display format which can then be transmitted in association with a TV broadcast...* to the remote player(s).” *Id.*, 2:19-25; Ex. 1005, ¶ 78.

Accordingly, McKeown expressly discloses “the video data and the game data are displayed simultaneously.” Ex. 1005, ¶ 79.

#### **F. Dependent Claim 5**

5. The method of claim 1 wherein the video data and the game data are displayed simultaneously on the same device.

Ex. 1001, 20:66-67.

McKeown discloses the video data and the game data are displayed simultaneously on the same device. Ex. 1003, 1:36-41, 2:19-23, 4:6-4:12; Fig. 1; *see supra* VII.B.

As discussed above (*supra* VII.B) McKeown discloses that, “an interactive, predictive game control system for use in conjunction with a live TV broadcast received by one or more remote players comprises *a central controller for generating game playing data for transmission with a TV broadcast* to the remote player(s) and for receiving information from the remote player(s)[.]” Ex. 1003, 1:36-41; *see also id.* at 4:6-4:12 (discussing signals ... *are transmitted simultaneously* by a transmitter 8 to *remote users or players C*). McKeown further discloses “*Each remote user C has a home or remote unit 9.*” *Id.*, 4:20; Figure 1 above (showing display device 9). McKeown further discloses that, “The operator is able to select data... and *arrange for this to be assembled as appropriate into a display format which can then be transmitted in association with a TV broadcast...* to the remote player(s).” Ex. 1003, 2:19-25; Ex. 1005, ¶ 81.

Accordingly, McKeown expressly discloses “the video data and the game data are displayed simultaneously on the same device.”

#### **G. Dependent Claim 7**

7. The method of claim 1 further comprising collecting scores and reporting performance to participants’ devices.

Ex. 1001, 21:3-4.

McKeown discloses collecting scores and reporting performance to participants' devices. Ex. 1003, 6:37-7:5; Fig. 16; *see supra* VII.B.

McKeown discloses a “PlayLive Football” (soccer) embodiment, where “when the first goal is scored, the operator clicks on the First Scorer button 61 to enable him *to select the appropriate score* and also clicks on the First Goal button 62 to indicate the time of the first goal.” *Id.*, 6:38-42. “Similarly, at half time, clicking the Half Time button 64 will allow the operator *to enter the half time score* which *is then transmitted to the remote players where it can be compared with their predictions.*” *Id.*, 6:50-53; Ex. 1005, ¶ 84.

McKeown further discloses “During and/or after a game, the respective microprocessors 14 *compare the associated player's predictions* with the actual events as time stamped and supplied from the central controller 1. *If the local player was successful in his prediction, then the microprocessor 14 will indicate this to the player* and will also pass that information via the PSTN 18 to the central controller 1. This is particularly useful where *players will be rewarded with a financial prize or token* allowing them additional use of certain games which require payment.” *Id.*, 6:54-7:5; Ex. 1005, ¶ 85.

Similarly, McKeown discloses a “PlayLive Racing” (horse racing) embodiment, where “[o]nce the race is finished, the operator *sends out the results*

in two stages, first as unconfirmed results and then as confirmed results once these have been confirmed by the appropriate race authority. *Each remote unit responds to the result information to determine whether the local player or players is successful and to determine the winning amount[.]*” *Id.*, 8:58-9:8; Ex. 1005, ¶ 86.

Accordingly, McKeown expressly discloses “collecting scores and reporting performance to participants’ devices.” Ex. 1005, ¶ 87.

#### **H. Dependent Claim 8**

8. The method of claim 1 further comprising prohibiting further game-related input with the lockout signal.

Ex. 1001, 21:5-6.

McKeown discloses prohibiting further game-related input with the lockout signal. Ex. 1003, 2:56-3:2, 6:19-23, 7:19-22, 7:36-50, 8:53-58; Figs. 1, 9; *see supra* VII.B.

As discussed above (*supra* VII.A) McKeown discloses preventing remote game players from submitting predictions at certain times during a live event via a lockout signal. McKeown discloses that “[t]ime stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, *the signal can be used as a lock-out command preventing further predictions* being made by the remote player(s)[.]” Ex. 1003, 2:56-3:2. For example, McKeown

discloses that immediately after a sporting event commences, “the central controller 1 will issue *a lock-out signal* which is broadcast to the remote units C and to which each processor 14 responds *to prevent any further predictions from being entered.*” *Id.*, 6:14-18; *see also* 8:53-58; Ex. 1005, ¶ 89.

McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast. Ex. 1003, 7:14-16 (“The central controller 1 also allows a further game to be played by the remote players *during the live broadcast* of the football match. This is known as ‘Action Ball’.”) During the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . .The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.” *Id.*, 7:30-38; Ex. 1005, ¶ 90. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” *Id.*, 7:38-44. A POSITA would understand that the operator time stamp is utilized as a lockout signal that prevents

registering of user's input for that event after the time stamp has been broadcast. Ex. 1005, ¶ 90.

Accordingly, McKeown discloses "prohibiting further game-related input with the lockout signal." *Id.*, ¶ 91.

**I. Dependent Claim 9**

9. The method of claim 1 wherein the game data contains graphic information in addition to the video data.

Ex. 1001, 21:7-8.

As shown in annotated Figs. 6, 7, and 17 above, McKeown discloses the game data contains graphic information in addition to the video data. Ex. 1003, 5:45-6:7, 8:43-52; Figs. 6-7 and 17 (showing pre-match graphical information for remote user predictions related to underlying video data); *see supra* VII.B. Ex. 1005, ¶ 92.

Accordingly, McKeown expressly discloses "the game data contains graphic information in addition to the video data." *Id.*, ¶ 93.

**J. Dependent Claim 10**

10. The method of claim 9 wherein the graphic information is displayed on the same device using methods including crawling information, closed captioned information, a picture in picture or a graphical overlay.

Ex. 1001, 21:9-12.

As shown in annotated Figs. 6, 7, and 17 above, McKeown discloses the graphic information is displayed on the same device using a graphical overlay. Ex.

1003, 5:45-6:7, 8:36-52; Figs. 6-7 and 15-17 (showing graphical overlays for remote user predictions related to underlying video data); *see supra* VII.B. Ex. 1005, ¶ 94.

Accordingly, McKeown discloses “graphic information is displayed on the same device using ... a graphical overlay.” *Id.*, ¶ 95.

#### **K. Dependent Claim 11**

11. The method of claim 1 wherein the video data or the game data is buffered in advance of a scheduled start.

Ex. 1001, 21:14-15.

McKeown discloses the game data is buffered in advance of a scheduled start.

Ex. 1003, 2:4-25, 5:41-44; *see supra* VII.B.

As discussed above (*supra* VII.A), McKeown discloses game data. McKeown further discloses game data is buffered in advance of a scheduled start: “prior to a live broadcast, [McKeown discloses] selecting data from a database which stores data *relating to the content of the live broadcast* and known in advance of the live broadcast, and transmitting the *selected data* with a TV broadcast to remote player(s) in advance of and/or during the live broadcast[.]” *Id.*, 2:4-9. “The *operator is able to select data appropriate to the live TV broadcast* from the database *and arrange* for this to be assembled as appropriate *into a display format which can then be transmitted* in association with a TV broadcast, either *in advance of* and/or during

*the live TV broadcast, to the remote player(s).*” *Id.*, 2:19-25. A POSITA would understand that preloading, storing and/or selecting pre-defined game data or information in association with live television broadcast constitutes buffering of game data in advance of its scheduled transmission. Ex. 1005, ¶ 97.

Accordingly, McKeown discloses “the game data is buffered in advance of a scheduled start.” *Id.*, ¶ 98.

#### **L. Dependent Claim 12**

12. The method of claim 1 further comprising transmitting the video data and the game data on a transmission selected from a TCP, UDP, 3G, multicast or broadcast transmission.

Ex. 1001, 21:15-17.

McKeown discloses transmitting the video data and the game data on a broadcast transmission. Ex. 1003, 4:2-19; *see supra* VII.B.

As discussed above (*supra* VII. A) McKeown discloses “The central controller 1 generates data which can be converted to TV display signals and other control signals associated with various service functions, on a land line 5 connected to a combining unit 6 defining an insertion point of a *TV broadcast system B*. The combining unit 6 receives *television broadcast signals* from a studio 7 (or outside broadcast (OB) location, in the case of a live event) and combines these with the signals on the line 5 so that they are *transmitted simultaneously* by a transmitter 8

to remote users or players C.” *Id.*, 4:2-4:12. Ex. 1005, ¶ 100. McKeown further discloses transmitting video data and game data via broadcast transmission: “[t]he signals applied to the combiner 6 may be *transmitted* to the remote units within *a vertical banking [sic] interval (VBI)* of the *normal TV signal* or on a *separate radio FM-SCA channel* or other data format such as a cable modem.” Ex. 1003, 4:15-19. Thus, McKeown expressly teaches the simultaneous transmission of live television broadcast signals and interactive game data to remote users, disclosing “transmitting video data and game data on a ... broadcast transmission.” Ex. 1005, ¶ 100.

**M. Dependent Claim 13**

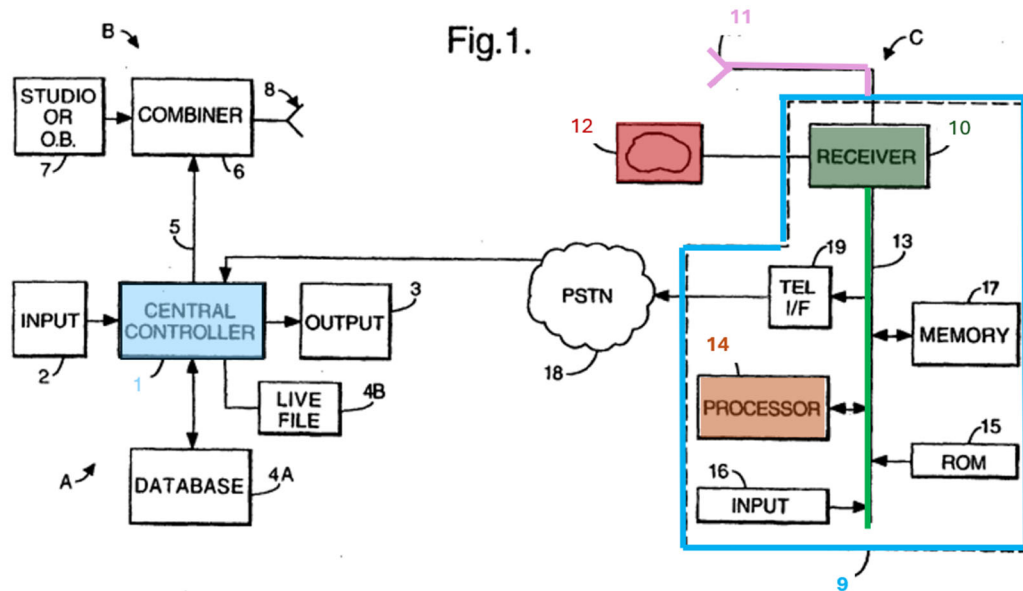
13. The method of claim 1 wherein the video data and the game data are synchronously displayed.

Ex. 1001, 21:19-20.

McKeown discloses the video data and the game data are synchronously displayed. Ex. 1003, 3:56-4:12, 6:27-36; Fig. 1; *see supra* VII.B. As discussed above (*supra* VII.A), McKeown also discloses a central controller that generates game data, which is combined with video data and ultimately transmitted to a remote user C. *Id.*, 3:56-4:12.

McKeown further discloses that the video data and game data transmitted to remote user C are synchronized: “In order to obtain accurate synchronisation

between the central controller clock and each remote unit C, all parts of the interactive network work to a common universal system clock. *Synchronisation is maintained by the central controller 1 repeatedly issuing synchronisation signals as part of the messages which are broadcast.* Each microprocessor 14 monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy *gradually adjusts its clock to agree with the synchronisation signal.*” Ex. 1003, 6:27-36. A POSITA would understand from McKeown that the synchronization signals generated by central controller 1 allow the live video data to be synchronized with the game data based on the “common universal system clock.” Ex. 1005, ¶ 102. As discussed above (*supra* VII.A), McKeown further discloses display of the synchronized video and game data on a monitor: “Each remote user C has a home or **remote unit 9** having a **television receiver 10** connected to an **aerial 11** and a **monitor 12**.” Ex. 1003, 4:20-22.



*Id.*, Fig. 1 (annotated).

Accordingly, McKeown discloses “the video data and the game data are synchronously displayed.” Ex. 1005, ¶ 103.

## N. Dependent Claim 15

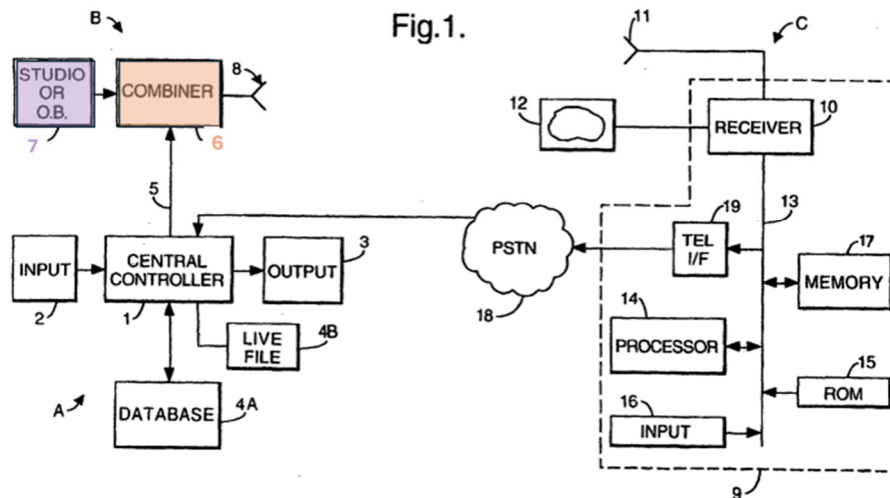
15. The method of claim 1 wherein the video data comprises one or more live events.

Ex. 1001, 21:24-25.

McKeown discloses the video data comprises one or more live events. Ex. 1003, 1:6-17; Fig. 1; *see supra* VII.B.

As discussed above (*supra* VII.B) McKeown discloses “The combining **unit** **6** receives *television broadcast signals* from a **studio 7** (**or outside broadcast (OB)**

**location, in the case of a live event)...**”), and combines these with the [game] signals on the line 5 so that they are transmitted simultaneously by a transmitter 8 to remote users or players C.” *Id.*, 4:7-12. McKeown further discloses “an interactive, **predictive game played in conjunction with a live TV broadcast...** [and] examples of interactive, predictive games include **horse racing... and football matches... rugby, motor racing, tennis and cricket.**” *Id.*, 1:6-17. Ex. 1005, ¶ 105.



Ex. 1003, Fig. 1 (annotated).

Accordingly, McKeown discloses “the video data comprises one or more live events.” Ex. 1005, ¶ 106.

#### O. Dependent Claim 17

17. The method of claim 15 wherein information related to the one or more live events is received from a physical location corresponding to the one or more live events.

Ex. 1001, 21:30-33.

McKeown discloses information related to the one or more live events is received from a physical location corresponding to the one or more live events. Ex. 1003, 4:7-12; *see supra* VII.B.

As discussed above (*supra* VII.N) McKeown discloses information related to the one or more live events is received from a physical location corresponding to the one or more live events: “The combining unit 6 *receives television broadcast signals* from a studio 7 (or *outside broadcast (OB) location, in the case of a live event*)[.]” Ex. 1003, 4:7-9. A POSITA would understand that McKeown’s receipt of television broadcast signals from a studio 7 (or outside broadcast (OB) location) constitutes “information related to the one or more live events is received from a physical location corresponding to the one or more live events.” Ex. 1005, ¶ 108.

Accordingly, McKeown discloses “information related to the one or more live events is received from a physical location corresponding to the one or more live events.” *Id.*, ¶ 109.

**P. Dependent Claim 21**

21. The method of claim 15 wherein the lockout signal applies for a limited amount of time.

Ex. 1001, 21:44-45.

McKeown discloses the lockout signal applies for a limited amount of time. Ex. 1003, 2:56-3:2, 7:19-50; *see supra* VII.B.

As discussed above (*supra* VII.A) McKeown discloses that time-stamped signals supplied to the remote players can be used as a lock-out signal. Ex. 1003, 2:56-3:2 (“Time stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, the signal can be used as a ***lock-out command*** preventing further predictions being made by the remote player(s)[.]”). Ex. 1005, ¶ 111.

McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast for a limited amount of time. During the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . . ***The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.***” Ex. 1003, 7:30-38; Ex. 1005, ¶ 112. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” *I.*, 7:38-44. A POSITA would

understand that the operator time stamp is utilized as a lockout signal that prevents registering of users' input for that event for the *event duration (a limited amount of time)* after the time stamp has been broadcast. Moreover, a POSITA would understand that because a remote player has 15 opportunities per half to make a prediction, McKeown implicitly discloses that the lockout signal must apply for a *limited amount of time*, otherwise no further predictions could be entered. *Id.* Ex. 1005, ¶ 112. Accordingly, McKeown discloses “the lockout signal applies for a limited amount of time.” Ex. 1005, ¶ 113.

**Q. Dependent Claim 22**

22. The method of claim 15 wherein the lockout signal applies for an action lasting a limited amount of time.

Ex. 1001, 21:46-47.

McKeown discloses the lockout signal applies for an action lasting a limited amount of time. Ex. 1003, 2:56-3:2, 7:20-50; *see supra* VII.B. Ex. 1005, ¶ 114.

For the same reasons discussed above (*see supra* VII.P) McKeown discloses a time-stamped lockout signal that applies based on operator input that applies for an action lasting a limited amount of time. A POSITA would further understand that the operator time stamp is utilized as a lockout signal *for an action that applies for a limited time* (“*Action Ball*” that is tied to an explicit 10-second limit based on the *action* of operator input and player predictive *actions* to anticipate a short on target,

goal, or corner kick, such as a player pressing a blue button) that prevents registering of user's input for that event after the time stamp has been broadcast. Ex. 1003, 7:44-50; Ex. 1005, ¶ 115.

A POSITA would further understand that the operator time stamp is utilized as a lockout signal applying for operator and user predictive actions and which prevents registering of users' input for that event for the *event duration (a limited amount of time)* after the time stamp has been broadcast. Moreover, a POSITA would understand that because a remote player has 15 opportunities per half to make a prediction, McKeown implicitly discloses that the lockout signal must apply based on *an action lasting a limited amount of time*, otherwise no further predictions could be entered. Ex. 1005, ¶ 116.

Accordingly, McKeown discloses "the lockout signal applies for an action lasting a limited amount of time." *Id.* ¶ 117.

## **R. Independent Claim 24**

A server for synchronizing a game or contest with streaming content comprising:

- a. a memory for storing an application, the application configured for:
  - i. transmitting game data for the game or contest to one or more devices on which the game or contest is to be played wherein the game data is to be synchronized with the streaming content at one or more devices; and

ii. transmitting a lockout signal to the one or more devices to prevent users from submitting a response to the game or contest based on the streaming content; and

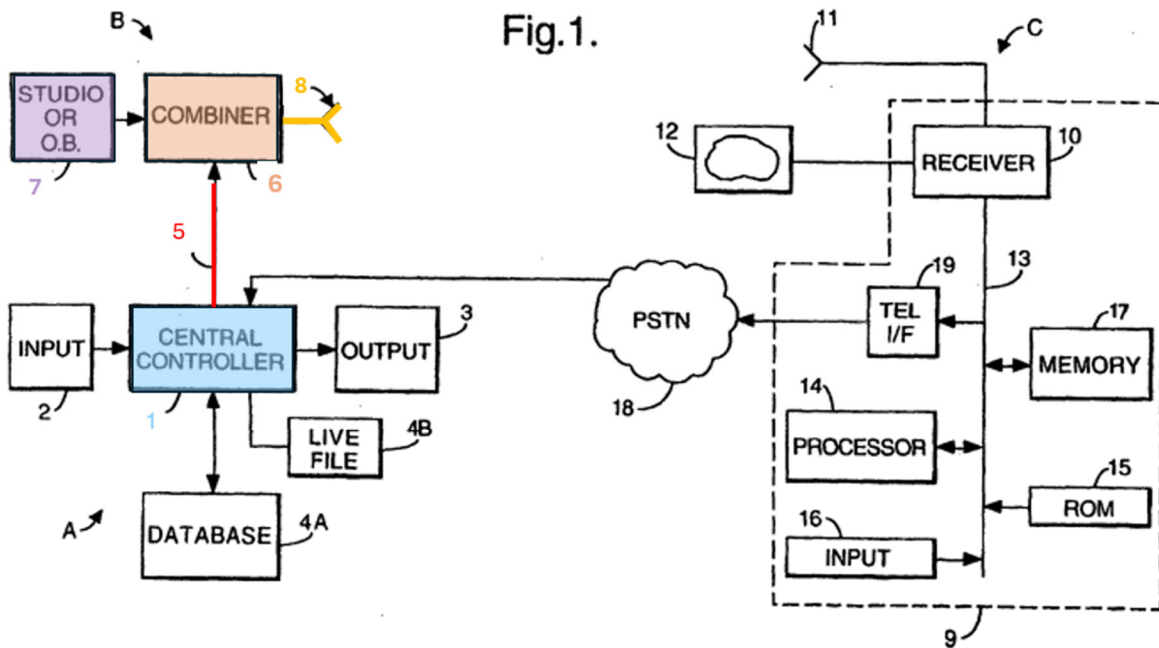
b. a processing component coupled to the memory, the processing component configured for processing the application.

Ex. 1001, 21:50-22:7.

1) **Preamble: “A server for synchronizing a game or contest with streaming content comprising:”**

As discussed above (*supra* VII.A, VII.B) and as shown in annotated Fig. 1 below, McKeown discloses a server for synchronizing a game or contest with streaming content: “*The interactive broadcast network* shown in Figure 1 comprises *a game control system A* including **central controller 1** ... A database 4A stores data relating to service functions and remote users, which can be accessed and amended by the **central controller 1**, while a Live File store 4B is provided for *storing data relating to the game being or to be broadcast*. The **central controller 1** generates data which can be converted to *TV display signals and other control signals* associated with various service functions, on a **land line 5** connected to a **combining unit 6** defining an insertion point of a TV broadcast system B. The **combining unit 6** receives *television broadcast signals* from a **studio 7** (or outside broadcast (OB) location, in the case of a live event), *and combines these with the*

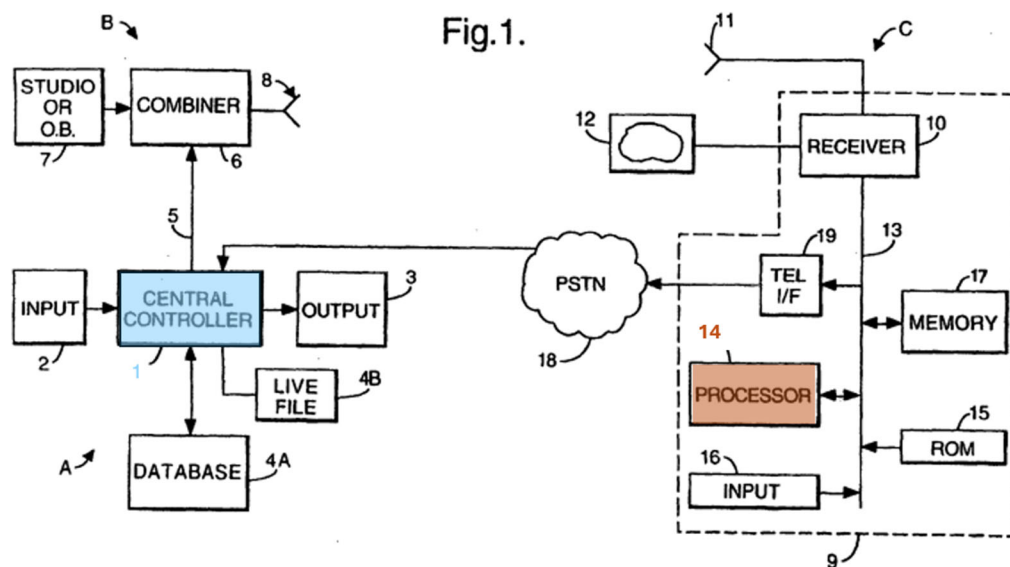
signals on the **line 5** so that **they are transmitted simultaneously** by a **transmitter 8** to remote users or players C.” Ex. 1003, 3:50-4:12.



*Id.*, Fig. 1 (annotated). A POSITA would understand that the “**game control system A** including **central controller 1** and **combining unit 6**” functions as a “server” to manage TV broadcast system B and provide simultaneous transmission of streamed television content and interactive game data to remote users C, disclosing a “server” that provides “a game or contest with streaming content.” Ex. 1005, ¶ 118.

McKeown also discloses that the streamed television content and game or contest data transmitted to remote users C are synchronized when displayed: “In order to obtain accurate synchronisation between the central controller clock and

each remote unit C, all parts of the interactive network work to a common universal system clock. *Synchronisation is maintained by the central controller 1 repeatedly issuing synchronisation signals as part of the messages which are broadcast.* Each **microprocessor 14** monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy *gradually adjusts its clock to agree with the synchronisation signal.*” Ex. 1003, 6:27-36.



*Id.*, Fig. 1 (annotated).

A POSITA would understand from McKeown that the synchronization signals generated by central controller 1 allow the live streamed content to be synchronized with the game or contest data based on the “common universal system clock.” Thus,

McKeown expressly teaches “[a] server for synchronizing a game or contest with streaming content.” Ex. 1005, ¶ 121.

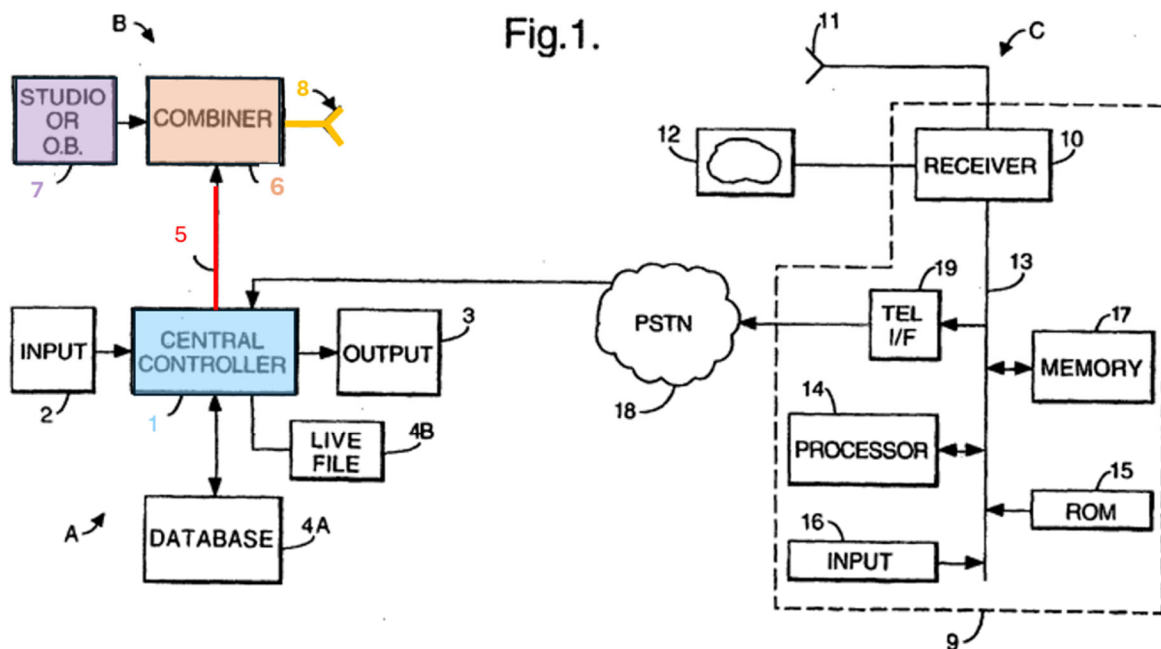
**a. “a memory for storing an application”**

As discussed above (*supra* VII.A, VII.R) McKeown discloses a memory for storing an application: “*A database 4A stores data relating to service functions and remote users*, which can be accessed and amended by the central controller 1, while a *Live File store 4B* is provided for *storing data relating to the game being or to be broadcast*.” Ex. 1003, 3:56-4:2. A POSITA would understand from McKeown that the central controller stores *application data* relating to service functions, remote users, and the game being or to be broadcast, disclosing “a memory for storing an application.” Ex. 1005, ¶ 122.

**b. “transmitting game data for the game or contest to one or more devices on which the game or contest is to be played”**

As discussed above (*supra* VII.A) and as shown in annotated Fig. 1 below, McKeown discloses transmitting game data for the game or contest to one or more devices on which the game or contest is to be played: “A database 4A stores data relating to service functions and remote users, which can be accessed and amended by the **central controller 1**, while a Live File store 4B is provided for *storing data relating to the game being or to be broadcast*. The **central controller 1** generates

data which can be converted to *TV display signals and other control signals* associated with various service functions, on a **land line 5** connected to a **combining unit 6** defining an insertion point of a TV broadcast system B. The **combining unit 6** receives *television broadcast signals* from a **studio 7** (or outside broadcast (OB) location, in the case of a live event), *and combines these with the signals on the line 5* so that *they are transmitted simultaneously* by a **transmitter 8** to remote users or players C.” Ex. 1003, 3:56-4:12. McKeown further discloses “*Each remote user C has a home or remote unit 9*[.]” *Id.*, 4:20. Ex. 1005, 123.

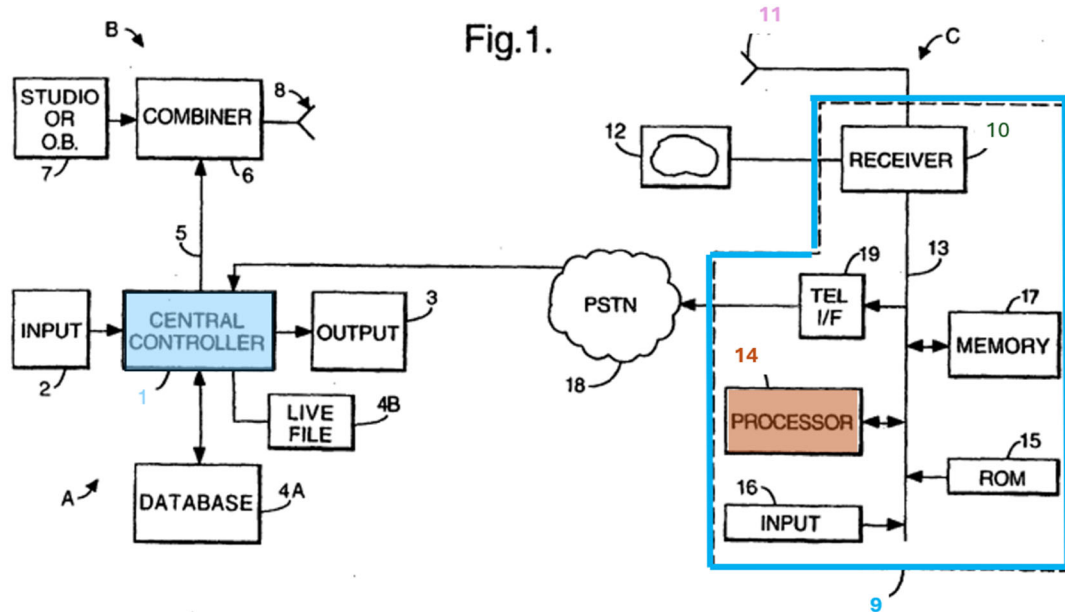


Ex. 1003, Fig. 1 (annotated). Thus, McKeown expressly teaches the simultaneous transmission of live television broadcast signals and interactive game data to remote

devices, disclosing “transmitting game data for the game or contest to one or more devices on which the game or contest is to be played.” Ex. 1005, ¶ 124.

**c. “wherein the game data is to be synchronized with the streaming content at the one or more devices”**

As discussed above (*supra* VII.A) McKeown discloses a central controller that generates game data, which is combined with streaming content and ultimately transmitted to a remote user C. 1003, 3:56-4:12. McKeown further discloses that the game data is to be synchronized with the streaming content at the one or more devices: “In order to obtain accurate synchronisation between the central controller clock and each remote unit C, all parts of the interactive network work to a common universal system clock. *Synchronisation is maintained by the central controller 1 repeatedly issuing synchronisation signals as part of the messages which are broadcast.* Each **microprocessor 14** monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy *gradually adjusts its clock to agree with the synchronisation signal.*” *Id.*, 6:27-36. McKeown further discloses “*Each remote user C has a home remote unit 9*” which includes **microprocessor 14**. *Id.* 4:20.



*Id.*, Fig. 1 (annotated).

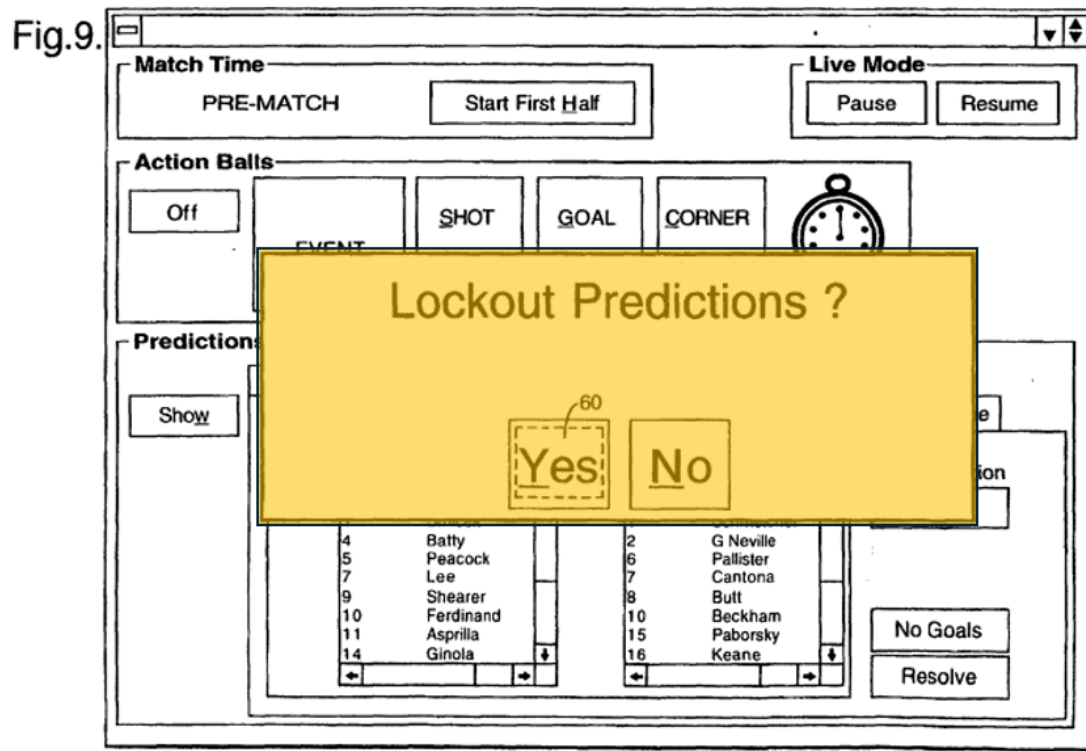
A POSITA would understand from McKeown that the synchronization signals generated by central controller 1 allow the live video data to be synchronized with the game data based on the “common universal system clock.” Thus, McKeown expressly teaches “the game data is to be synchronized with the streaming content at the one or more devices.” Ex. 1005, ¶ 126.

- d. **“transmitting a lockout signal to the one or more devices to prevent users from submitting a response to the game or contest based on the streaming content”**

McKeown discloses transmitting a lockout signal to one or more devices to prevent users from submitting a response to the game or contest based on the streaming content. As discussed above (*supra* VII.A, VII.B), McKeown discloses

that time-stamped signals supplied to the remote players can be used as a lock-out signal. Ex. 1003, 2:56-3:2 (“Time stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, the signal can be used as a lock-out command preventing further predictions being made by the remote player(s)[.]”). Notably, the ’349 Patent similarly discloses use of a “time stamp” as a lockout signal. Ex. 1001, 7:10-15.

For example, as shown in annotated Fig. 9 below, McKeown discloses that immediately after an operator has confirmed that a sporting event has commenced, a **pop-up window** is displayed allowing the operator to lock out further predictions at the start of the game:



Ex. 1003 at Fig. 9 (annotated). In response to the operator selecting the “Yes” button 60, “the central controller 1 will issue *a lock-out signal* which is broadcast to the remote units C and to which each processor 14 responds *to prevent any further predictions from being entered.*” *Id.*, 6:14-18; Ex. 1005, ¶ 129.

Similarly, McKeown discloses a “PlayLive Racing” (horse racing) embodiment, where “as soon as the race begins... an appropriately back stamped time stamp signal will be broadcast causing each microprocessor 14 to lock out all future predictions and to cancel any predictions made after the time defined by the back stamped time stamp.” Ex. 1003, 8:53-58; Ex. 1005, ¶ 130.

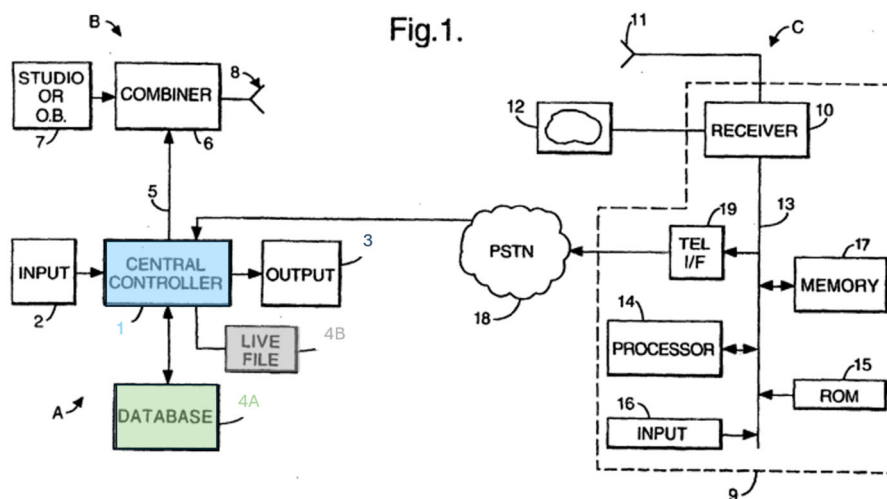
McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast of a sporting event. Ex. 1003, 7:14-16 (“The central controller 1 also allows a further game to be played by the remote players *during the live broadcast* of the football match. This is known as ‘Action Ball’.”) During the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . .The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.” *Id.*, 7:30-38; Ex. 1005, ¶ 131. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” Ex. 1003, 7:38-44. A POSITA would understand that the operator time stamp is utilized as a lockout signal that prevents registering of user’s input for that event after the time stamp has been broadcast. Ex. 1005, ¶ 131.

Accordingly, McKeown discloses “transmitting a lockout signal to one or more devices to prevent users from submitting a response to the game or contest based on the streaming content.” Ex. 1005, ¶ 132.

- e. **“a processing component coupled to the memory, the processing component configured for processing the application”**

As discussed above (*supra* VII.A, VII.B) McKeown discloses a processing component coupled to the memory, the processing component configured for processing the application: “*The interactive broadcast network* shown in Figure 1 comprises *a game control system A* including **central controller 1** which will include a *computer such as a PC operating a Windows based system*, connected to an input device 2 such as a keyboard and/or mouse and the like and to an output device 3 ... A **database 4A** stores data relating to service functions and remote users, which can be accessed and amended by the **central controller 1**, while a **Live File store 4B** is provided for storing data relating to the game being or to be broadcast.”

Ex. 1003, 3:50-4:2; Ex. 1005, ¶ 133.



*Id.* at Fig. 1 (annotated). A POSITA would understand from McKeown that central controller 1 is coupled to database 4A and Live File store 4B for processing ***application data*** relating to service functions, remote users, and the game being or to be broadcast, disclosing “a processing component coupled to the memory, the processing component configured for processing the application.” *Id.*, ¶ 134.

For the foregoing reasons, McKeown discloses each and every limitation of challenged claim 24. McKeown teaches a server control system that synchronizes a game or contest with streaming content. McKeown further describes memory databases that store the game application and related data, a processing component (the central controller) coupled to and operating on that stored data, and the transmission of game data to remote devices for play in synchronization with broadcast video via a common system clock. McKeown also expressly teaches transmitting lock-out commands that prevent users from submitting further responses based on the broadcast content. A POSITA would understand these disclosures to satisfy each and every aspect of the claim. Accordingly, challenged claim 24 is fully met by McKeown. *Id.*, ¶ 135.

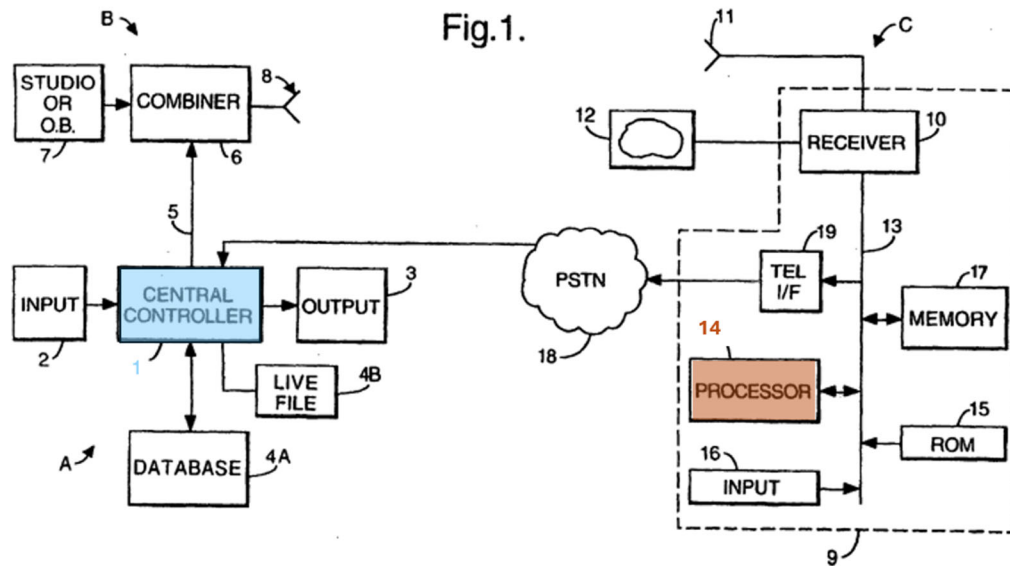
**S. Dependent Claim 31**

31. The server of claim 24 wherein a plurality of synchronization points are used by a client to continuously check to ensure game data is synchronized with the streaming content.

Ex. 1001, 22:24-27.

McKeown discloses a plurality of synchronization points are used by a client to continuously check to ensure game data is synchronized with the streaming content. Ex. 1003, 6:27-36; *see supra* VII.R. Ex. 1005, ¶ 136.

As discussed above (*supra* VII.A) McKeown discloses “In order to obtain accurate synchronisation between the central controller clock and each remote unit C, all parts of the interactive network work to a common universal system clock. *Synchronisation is maintained by the central controller 1 repeatedly issuing synchronisation signals as part of the messages which are broadcast.* Each **microprocessor 14** monitors the time of arrival of a synchronisation signal and compares this with its own clock and if there is a discrepancy *gradually adjusts its clock to agree with the synchronisation signal.*” *Id.*, 6:27-36; Ex. 1005, ¶ 137.



*Id.*, Fig. 1 (annotated).

A POSITA would understand from McKeown that the *synchronization signals repeatedly issued* by central controller 1 constitute a plurality of synchronization points to continuously check to ensure streaming content to be synchronized with game data based on the “common universal system clock.” Accordingly, McKeown discloses “a plurality of synchronization points are used by a client to continuously check to ensure game data is synchronized with the streaming content.” Ex. 1005, ¶ 138.

#### T. Dependent Claim 33

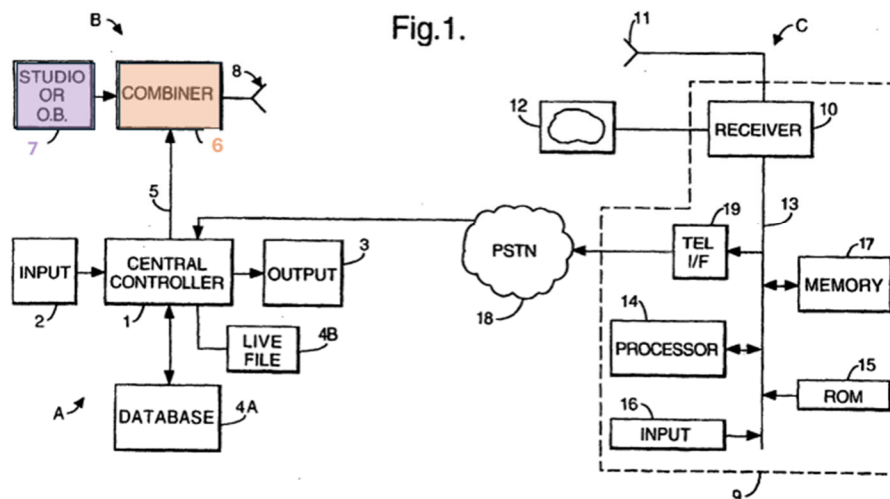
33. The server of claim 24 wherein the game or contest comprises one or more live events.

Ex. 1001, 22:32-33.

McKeown discloses the game or contest comprises one or more live events.

Ex. 1003, 1:6-17; Fig. 1; *see supra* VII.R. Ex. 1005, ¶ 139.

As discussed above (*supra* VII.B), McKeown discloses “The combining **unit 6** receives television broadcast signals **from a studio 7 (or outside broadcast (OB) location, in the case of a live event)**...”), and combines these with the [game] signals on the line 5 so that they are transmitted simultaneously by a transmitter 8 to remote users or players C.” Ex. 1003, 4:6-12. McKeown further discloses “an interactive, ***predictive game played in conjunction with a live TV broadcast...*** [and] examples of interactive, predictive games include ***horse racing... and football matches... rugby, motor racing, tennis and cricket.***” *Id.*, 1:6-17; Ex. 1005, ¶ 140.



*Id.*, Fig. 1 (annotated).

Accordingly, McKeown discloses “the game or contest comprises one or more live events.” Ex. 1005, ¶ 141.

**U. Dependent Claim 35**

35. The server of claim 33 wherein information related to the one or more live events is received from a physical location corresponding to the one or more live events.

Ex. 1001, 22:38-41.

McKeown discloses information related to the one or more live events is received from a physical location corresponding to the one or more live events. Ex. 1003, 4:7-12; *see supra* VII.R; Ex. 1005, ¶ 142.

As discussed above (*supra* VII.B) McKeown discloses information related to the one or more live events is received from a physical location corresponding to the one or more live events: “The combining unit 6 *receives television broadcast signals* from a studio 7 (or *outside broadcast (OB) location, in the case of a live event*).” Ex. 1003, 4:7-12. A POSITA would understand that McKeown’s receipt of television broadcast signals from a studio 7 (or outside broadcast (OB) location) constitutes “information related to the one or more live events is received from a physical location corresponding to the one or more live events.” Ex. 1005, ¶ 143.

Accordingly, McKeown discloses “information related to the one or more live events is received from a physical location corresponding to the one or more live events.” *Id.*, ¶ 144.

## V. Dependent Claim 39

39. The server of claim 33 wherein the lockout signal applies for a limited amount of time.

Ex. 1001, 22:51-52.

McKeown discloses the lockout signal applies for a limited amount of time.

Ex. 1007, 2:56-3:2, 7:19-50; *see supra* VII.R. Ex. 1005, ¶ 145.

As discussed above (*supra* VII.B) McKeown discloses that time-stamped signals supplied to the remote players can be used as a lock-out signal. Ex. 1003, 2:56-3:2 (“Time stamped signals supplied to the remote player(s) can be used in a variety of ways at the remote location. For example, the signal can be used as a **lock-out command** preventing further predictions being made by the remote player(s)[.]”). Ex. 1005, ¶ 146.

McKeown further discloses the use of a lockout signal to prevent predictions from being entered during a live broadcast. Ex. 1003, 7:14-18 (“The central controller 1 also allows a further game to be played by the remote players **during the live broadcast** of the football match. This is known as ‘Action Ball’.”) During

the match (e.g., soccer), “[e]ach remote player has 15 opportunities per half to anticipate that a shot on target, goal or corner kick will occur by operating his input device 16 which will initiate a 10 second period . . . *The time that the event occurs as input by the operator, after suitable back stamping, will be broadcast as a time stamp to each remote player C.*” Ex. 1003, 7:30-38; Ex. 1005, ¶ 147. “Each microprocessor 14 compares the time stamp supplied to it corresponding to the time at which the event button 53 was clicked and if the remote player pressed his blue button in less than ten seconds from the time stamp received by the microprocessor 14 then the player will have been successful and receive points.” Ex. 1003, 7:38-44; Ex. 1005, ¶ 147.

A POSITA would understand that the operator time stamp is utilized as a lockout signal that prevents registering of user’s input for that event for the *event duration (a limited amount of time)* after the time stamp has been broadcast. Moreover, a POSITA would understand that because a remote player has 15 opportunities per half to make a prediction, McKeown implicitly discloses that the lockout signal must apply for a *limited amount of time*, otherwise no further predictions could be entered. Ex. 1005, ¶ 148.

Accordingly, McKeown discloses “the lockout signal applies for a limited amount of time.” *Id.*, ¶ 149.

**W. Dependent Claim 40**

40. The server of claim 33 wherein the lockout signal applies for an action lasting a limited amount of time.

Ex. 1001, 22:53-54.

McKeown discloses the lockout signal applies for an action lasting a limited amount of time. Ex. 1007, 2:56-3:2, 7:19-50; *see supra* VII.R; Ex. 1005, ¶ 150.

For the same reasons discussed above (*see supra* VII.V), McKeown discloses a time-stamped lockout signal that applies for an action lasting a limited amount of time. A POSITA would further understand that the operator time stamp is utilized as a lockout signal *for an action that applies for a limited time* (“*Action Ball*” that is tied to an explicit 10-second limit based on the *action* of operator input and player predictive *actions* to anticipate a short on target, goal, or corner kick, such as a player pressing a blue button) that prevents registering of user’s input for that event after the time stamp has been broadcast. Ex. 1003, 7:44-50; Ex. 1005, ¶ 151.

A POSITA would further understand that the operator time stamp is utilized as a lockout signal applying for operator and user predictive actions and which prevents registering of users’ input for that event for the *event duration (a limited amount of time)* after the time stamp has been broadcast. Moreover, a POSITA would understand that because a remote player has 15 opportunities per half to make a prediction, McKeown implicitly discloses that the lockout signal must apply based

on *an action lasting a limited amount of time*, otherwise no further predictions could be entered. Ex. 1005, ¶ 152. Accordingly, McKeown discloses “the lockout signal applies for an action lasting a limited amount of time.” *Id.*, ¶ 153.

#### **VIII. DISCRETION UNDER § 325(D) and § 314**

Consistent with the guidance provided by “FAQs for Interim Processes for PTAB Workload Management,” Petitioner does not present affirmative arguments in anticipation of what Patent Owner may argue by way of briefing seeking discretionary denial. Petitioner will present arguments in an Opposition Brief, should Patent Owner elect to file a Discretionary Denial Brief.

#### **IX. PAYMENT OF FEES UNDER 37 C.F.R. §§ 42.15(a) and 42.103**

The requisite filing fee is submitted herewith. Challenged claims 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, and 39-40 are requested for review as part of this Petition. If any additional fees are due during this proceeding, the Office is authorized to charge such fees to Deposit Account No. D506990. Any overpayment or refund of fees may also be deposited in this Deposit Account.

#### **X. CONCLUSION**

For the foregoing reasons, Petitioner has established a reasonable likelihood that claims 1-5, 7-13, 15, 17, 21-22, 24, 31, 33, 35, and 39-40 are unpatentable.

Petitioner therefore respectfully requests that *inter partes* review of the '349 Patent be granted.

Dated: February 3, 2026

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

Pursuant to 37 C.F.R. § 42.24(d), I hereby certify that this Petition complies with the type-volume limitation of 37 C.F.R. § 42.24(a)(1)(i) because it contains 13,078 words as determined by the Microsoft® Office Word word-processing system used to prepare the brief, excluding the parts of the petition exempted by 37 C.F.R. § 42.24(a)(1).

/s/ Richard J. Berman  
Richard J. Berman, Reg. No. 39,107

## **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on February 3, 2026, a complete and entire copy of this Petition for *Inter Partes* Review of U.S. Patent No. 12,005,349, all supporting exhibits and Power of Attorney, were provided to the Patent Owner at the correspondence address of record as follows:

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