

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

TWITCH INTERACTIVE, INC.
Petitioner,
v.

CP STUDIOS LLC
Patent Owner.

Patent No. 10,632,388

Inter Partes Review No. IPR2026-00397

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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Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011) (“FarmVille”)	EX1004
Chris Herbert, “Kickstarter Project – Tweet Land: Playing With Reality”, available at https://web.archive.org/web/20111010055037/https://www.macstories.net/news/kickstarter-project-tweet-land-playing-with-reality/ , Internet Archive (“Tweet Land”)	EX1005
U.S. Patent No. 8,671,019 to Barclay (“Barclay ’019”)	EX1006
U.S. Patent Pub. No. 2012/0184363 to Barclay (“Barclay ’363”)	EX1007
U.S. Patent No. 8,790,182 to Ajami <i>et al.</i> (“Zynga patent”)	EX1008
John Shedletsky, “Be Our Guest; Buy Our ROBUX”, available at https://web.archive.org/web/20120305011624/http://blog.roblox.com/2008/09/be-our-guest-buy-our-robux/ , Internet Archive	EX1009
Villalobos <i>et al.</i> , “Tweet Land – The first set of games that play with reality!”, available at https://web.archive.org/web/20110808172606/http://www.kickstarter.com/projects/nestorvc/tweet-land-the-first-set-of-games-that-play-with-r , Internet Archive	EX1010
Daniella Jaeger, “Creator Q&A: Tweet Land”, available at https://web.archive.org/web/20110810091733/https://www.kickstarter.com/blog/creator-q-a-tweet-land , Internet Archive	EX1011

Exhibit Description	Exhibit #
Amit Bhawani, “Play FarmVille Game on iphone & iPad – Free App”, available at https://web.archive.org/web/20100627153509/http://www.amitbhawani.com/blog/play-farmville-iphone-ipad/ , Internet Archive	EX1012
SEC Filing, Developer Addendum No. 2 By and Between Facebook, Inc. and Zynga Inc., available at https://web.archive.org/web/20111103054838/https://www.sec.gov/Archives/edgar/data/1439404/000119312511190294/dex1016.htm , Internet Archive	EX1013
Jared Nelson, “‘Tweet Land’ Review – A Great Idea, but Flawed Gameplay”, available at https://web.archive.org/web/20120206054222/https://toucharcade.com/2012/02/03/tweet-land-review/ , Internet Archive	EX1014
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Kellie Cardwell-Winters, “FarmVille Walkthrough”, available at https://www.gamezebo.com/walkthroughs/farmville-walkthrough/	EX1016
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Declaration of Tony Corsini on the scanned pages of Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011)	EX1021

Exhibit Description	Exhibit #
Peter Kafka, “Twitch’s Ceo on its biggest competition, Big Tech’s growth-at-all-costs mindset, and why Twitter isn’t really a town square”, available at https://www.businessinsider.com/twitch-ceo-dan-clancy-profitability-livestreaming-future-under-amazon-2025-3	EX1022
Stream Hatchet, “2025 Yearly Live-Streaming Trends Report”, available at https://streamhatchet.com/reports/2025-yearly-report-in-live-streaming-trends/	EX1023
Declaration of Mina Ching on the wayback archived webpages https://web.archive.org/web/20100627153509/http://www.amitbhawani.com/blog/playfarmville-iphone-ipad/ , https://web.archive.org/web/20111010055037/https://www.macstories.net/news/kickstarter-project-tweet-land-playing-with-reality/ , https://web.archive.org/web/20120206054222/https://toucharcade.com/2012/02/03/tweet-land-review/ , https://web.archive.org/web/20110808172606/http://www.kickstarter.com/projects/nestorvc/tweet-land-the-first-set-of-games-that-play-with-r , https://web.archive.org/web/20110810091733/https://www.kickstarter.com/blog/creator-q-a-tweet-land , https://web.archive.org/web/20110524231942/https://toucharcade.com/2011/04/15/curious-kickstarter-funded-ios-game-tweet-land-surfaces/ , https://web.archive.org/web/20111103054838/https://www.sec.gov/Archives/edgar/data/1439404/000119312511190294/dex1016.htm , https://web.archive.org/web/20100114103010/https://www.unigamesity.com/farmville-barn-raising-adds-more-storage/ , https://web.archive.org/web/20120305011624/http://blog.roblox.com/2008/09/be-our-guest-buy-our-robux/ , Internet Archive	EX1024

Claims Listing

Claim	<u>Limitation #</u>	Limitation
1	1[PR]	A computer-implemented method for providing a video gaming environment hosted on a server to one or more users, comprising:
	1[A][1]	providing access to the video gaming environment, by the server, to the one or more users via one or more user devices,
	1[A][2]	the one or more user devices including a user interface configured to display the video gaming environment
	1[B]	transmitting, by the server, a content item to a social online service, the content item representing an event associated with a first user in the video gaming environment;
	1[C]	receiving, by the server, an interaction via the social online service of a second user with the content item on the social online service;
	1[D]	determining, by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service; and
	1[E]	modifying, by the server, the video gaming environment based on the influence.
2	2	The method of claim 1, wherein the interaction of the second user with the content item includes a comment including a keyword

Claim	<u>Limitation #</u>	Limitation
3	3	The method of claim 1, further comprising: determining a keyword from the interaction of the second user with the content item; and determining the influence to the video gaming environment based on the keyword.
4	4	The method of claim 1, further comprising: determining a gameplay status associated with the second user, the gameplay status associated with the second user indicating a role of the second user in the video gaming environment; and determining the influence to the video gaming environment based on the gameplay status associated with the second user.
5	5	The method of claim 4, wherein the gameplay status is selected from a group consisting of a core player status, a casual player status, and a non-player status.
6	6	The method of claim 1, further comprising: determining that a gameplay status associated with the second user is a non-player status; and responsive to the gameplay status associated with the second user being the non-player status, applying the influence to a game item associated with the first user in the video gaming environment.
7	7	The method of claim 1, further comprising: determining that a gameplay status associated with the second user is a player status; and responsive to the gameplay status associated with the second user being the player status, applying the influence to a game item associated with the second user in the video gaming environment.

Claim	<u>Limitation #</u>	Limitation
8	8	The method of claim 1, further comprising: responsive to receiving the interaction of the second user with the content item on the social online service, providing a reward to the first user in the video gaming environment.
9	9	The method of claim 1, further comprising: responsive to receiving the interaction of the second user with the content item on the social online service, providing a reward to the second user in the video gaming environment, the reward for the second user being an amount of uncollected reward associated with the first user in the video gaming environment.
10	10	The method of claim 1, wherein modifying the video gaming environment based on the influence includes: applying the influence to a game item in the video gaming environment; and responsive to applying the influence to the game item, preventing the influence from being applied to the game item for a predetermined time period.
11	11[PR]	A system for hosting and providing a video gaming environment to one or more users, comprising:
	11[A]	one or more processors; and
	11[B]	a memory storing instructions that, when executed by the one or more processors, cause the system to:
	11[C][1]	provide access to the video gaming environment to the one or more users via one or more user devices,
	11[C][2]	the one or more user devices including a user interface configured to display the video gaming environment;

Claim	<u>Limitation #</u>	Limitation
	11[D]	transmit a content item to a social online service, the content item representing an event associated with a first user in the video gaming environment;
	11[E]	receive an interaction via the social online service of a second user with the content item on the social online service;
	11[F]	determine an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service; and
	11[G]	modify the video gaming environment based on the influence
12	12	The system of claim 11, wherein the interaction of the second user with the content item includes a comment including a keyword.
13	13	The system of claim 11, wherein the instructions, when executed, cause the system to: determine a keyword from the interaction of the second user with the content item; and determine the influence to the video gaming environment based on the keyword.
14	14	The system of claim 11, wherein the instructions, when executed, cause the system to: determine a gameplay status associated with the second user, the gameplay status associated with the second user indicating a role of the second user in the video gaming environment; and determine the influence to the video gaming environment based on the gameplay status associated with the second user.

Claim	<u>Limitation #</u>	Limitation
15	15	The system of claim 11, wherein the instructions, when executed, cause the system to: determine that a gameplay status associated with the second user is a non-player status; and responsive to the gameplay status associated with the second user being the non-player status, apply the influence to a game item associated with the first user in the video gaming environment.
16	16	The system of claim 11, wherein the instructions, when executed, cause the system to: determine that a gameplay status associated with the second user is a player status; and responsive to the gameplay status associated with the second user being the player status, apply the influence to a game item associated with the second user in the video gaming environment.
17	17	The system of claim 11, wherein the instructions, when executed, cause the system to: responsive to receiving the interaction of the second user with the content item on the social online service, provide a reward to the first user in the video gaming environment.
18	18	The system of claim 11, wherein the instructions, when executed, cause the system to: responsive to receiving the interaction of the second user with the content item on the social online service, providing a reward to the second user in the video gaming environment, the reward for the second user being an amount of uncollected reward associated with the first user in the video gaming environment.

Claim	<u>Limitation #</u>	Limitation
19	19	The system of claim 11, wherein to modify the video gaming environment based on the influence, the instructions, when executed, cause the system to: apply the influence to a game item in the video gaming environment; and responsive to applying the influence to the game item, prevent the influence from being applied to the game item for a predetermined time period.
20	20[PR]	A computer program product comprising a non-transitory computer usable medium including a computer readable program for hosting and providing a video gaming environment to one or more users, wherein the computer readable program when executed on a computer causes the computer to:
	20[A]	provide access to the video gaming environment to the one or more users via one or more user devices, the one or more user devices including a user interface configured to display the video gaming environment;
	20[B]	transmit a content item to a social online service, the content item representing an event associated with a first user in the video gaming environment;
	20[C]	receive an interaction via the social online service of a second user with the content item on the social online service;
	20[D]	determine an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service; and
	20[E]	modify the video gaming environment based on the influence.

Claim	<u>Limitation #</u>	Limitation
21	21	The method of claim 1, wherein the server is a third-party server.
22	22	The method of claim 1, wherein the server is a third-party server that hosts the video gaming environment.
23	23	The method of claim 1, wherein the server is a social networking server that hosts the video gaming environment and the social online service.

Petitioner Twitch Interactive, Inc. respectfully petitions for *inter partes* review of claims 1-23 of U.S. Patent No. 10,632,388 (EX1001) per 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*

I. INTRODUCTION

The '388 patent should never have issued. The claims require that a user “interaction” via a social online service—which would include *clicks* on Facebook—result in modification of an online video gaming environment. The Examiner allowed the claims only because he misunderstood “interaction” as requiring a “*comment . . . includ[ing] one or more keywords.*”¹ (EX1003, 28 (Examiner referring to this as his reason for allowance).) Those far narrower elements were in a parent patent, but are not in the independent claims here. (EX1018; EX1001, claims 1, 11, 20.)

Had the Examiner considered the actual scope of the independent claims, the patent would not have issued. By 2012, social-network interactions (*e.g.*, clicks) on Facebook and Twitter routinely resulted in modification of online games such as FarmVille. (EX1004.). Yet despite the subject matter, the Examiner never cited or raised *any* contemporaneous publications during prosecution. (EX1003.) Even the narrower concept—that a social-network comment containing keywords

¹ Emphases and/or annotations added unless specified.

modifies gameplay—was well-known and practiced by 2012. (EX1005, EX1006, EX1007.)

Patent Owner now seeks to exploit the Examiner’s errors against Twitch—“the company that basically invented livestreaming in the US”—and the livestreaming industry. (EX1022.) Twitch is the most-watched livestreaming platform, supports a substantial U.S. creator economy, and competes against foreign platforms. (EX1023.) And Patent Owner’s assertion threatens not only Twitch, but also the broader gaming ecosystem in the United States, where social interactions were common before the ’388 patent and remain central to game mechanics today. The Director should institute review of the ’388 patent to protect our robust patent system and a critical segment of our nation’s economy.

II. THE ’388 PATENT

A. Summary

The ’388 specification describes conventional ways to integrate social networking with video games by 2012. (EX1002, ¶¶19-22.) A player of a video gaming application can post a *gameplay activity* on a *social network*. As shown in FIG. 22A, a player (“Corey Smith”) of an “aviation video gaming application” has posted a *gameplay activity* (“Corey is visiting Jordan’s Airport”) on a *social network*. (EX1001, 17:31-33.) This, however, was already a commonplace Facebook feature in 2012, when video games routinely published gameplay

updates to Facebook news feeds. (*Infra* §IV.A.1.)

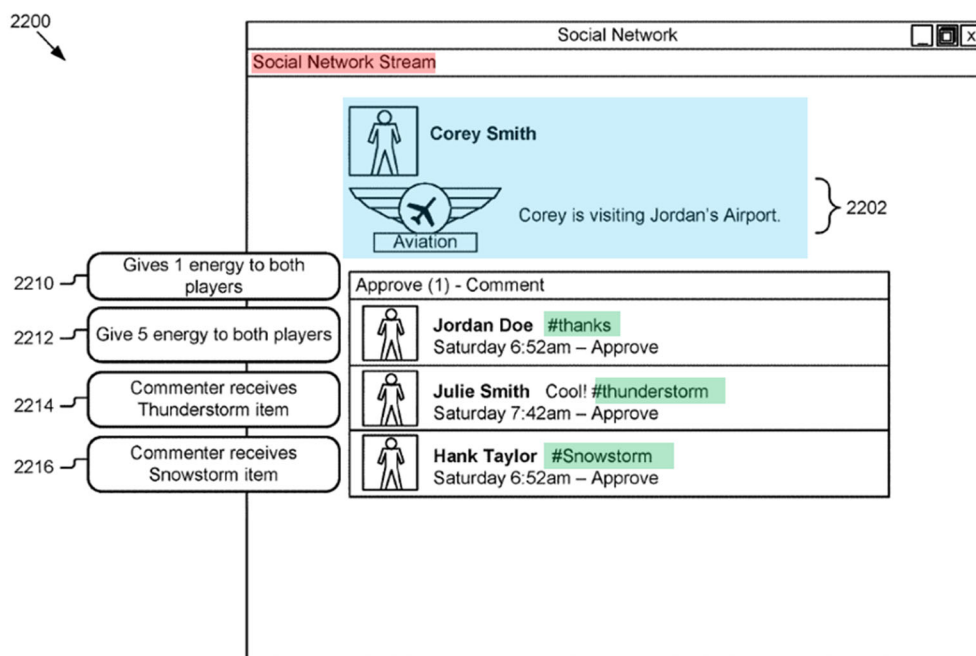


Figure 22A

The '388 specification describes that social network users can use commonplace ways to “interact” with the post, for example, by *clicking* or *commenting* on the post. (EX1001, 27:9-10.) A “player who *clicked* ‘like’ receives . . . [e]nergy points.” (*Id.*, 18:40-42.) In FIG. 22A (above), Julie Smith (another game player) commented “*#thunderstorm*” and thus “receive[d] a thunderstorm item (in-game item).” (*Id.*, 21:19-21.) Jordan Doe commented “*#thanks*” and “five energy points are given to both players.” (*Id.*, 21:17-19.)

B. Effective Filing Date

The '388 patent was filed on February 9, 2017, and claims priority to a

provisional filed on May 7, 2012, which Petitioner treats as the earliest effective filing date only for purposes of this proceeding. (EX1002, ¶18.)

C. Prosecution History

Despite the subject matter, the Examiner never cited or raised any contemporaneous game publications when examining the '388 patent. (*See* EX1003.) In fact, the bulk of the prosecution focused not on the merits of the cited references, but on the threshold issue of whether the patent references qualified as prior art. For the first two Office Actions, Applicant rebutted rejections by merely arguing that cited references did not qualify as prior art. (EX1003, 119, 100-104.)

For the third and last Office Action, Applicant made a minor amendment clarifying that the “interaction” with a content item on the social online service is an “interaction via the social online service.” (EX1003, 44-50.) The Examiner then allowed the application. (EX1003, 23.) But this amendment is trivial and commonplace—social-network interactions (*e.g.*, clicks, comments, views, and likes on Facebook or Twitter) were ubiquitous by 2012.

The Examiner also misunderstood the claim scope, citing as his reasons for allowance that he found “no teaching or suggestion” of “allow[ing] a user to post at least one *comment*” and “determin[ing] if the at least one comment includes one or more *keywords*” in the Notice of Allowance. (EX1003, 28.) None of the independent claims recites “comment” or “keywords”; they recite a broader term—

“interaction”—instead. (EX1002, ¶¶43-45.)

D. Level of Ordinary Skill in the Art

A person of ordinary skill in the art (POSITA) in the field of the '388 patent would have a bachelor or graduate degree in electrical engineering, computer engineering, computer science, or equivalent field, and two years of experience working on video games and/or social networking. A graduate degree in the disciplines cited above may make up for the work experience indicated above. (EX1002, ¶¶51-53.)

III. CLAIM CONSTRUCTION

Claim terms are presumed to carry their ordinary and customary meaning. The Board construes the terms only to the extent necessary to resolve the issue at hand: here, the unpatentability of the claims under 35 U.S.C. §103. The Board need not construe any of the claims because, as set forth in the Petition, the claims are unpatentable under 35 U.S.C. §103 under any reasonable interpretation, and thus, no claim construction is necessary to resolve any issue before the Board. (EX1002, ¶54.)

IV. PRECISE REASONS FOR RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.104(b), Petitioner requests cancellation of the challenged claims based on the following references (EX1002, ¶¶55-62), which are prior art *at least* under the following provisions.

Prior Art Reference	Abbreviation (Exhibit No.)	Prior Art Basis
Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011)	FarmVille (EX1004)	§102(a) and (b)
Chris Herbert, “Kickstarter Project – Tweet Land: Playing With Reality”	Tweet Land (EX1005)	§102(a)
U.S. Patent No. 8,671,019 to Barclay	Barclay ’019 (EX1006)	§102(e)
U.S. Patent Pub. No. 2012/0184363 to Barclay	Barclay ’363 (EX1007)	§102(e)
Calin, “FarmVille Barn Raising Adds More Storage!”	Calin (EX1017)	§102(a)
U.S. Patent No. 8,790,182 to Ajami <i>et al.</i>	Zynga patent (EX1008)	§102(e)
John Shedletsky, “Be Our Guest; Buy Our ROBUX”	Shedletsky (EX1009)	§102(a)

The statutory grounds for the challenge of each claim are set forth below.

All of the statutory citations are pre-AIA.

Ground	35 U.S.C. §	Claims	Prior Art Reference(s)
1	103	1, 4, 5, 7-9, 11, 14, 16-18, 20-22	FarmVille, Zynga patent
2	103	4, 5, 14	FarmVille, Zynga patent, Shedletsky
3	103	10, 19	FarmVille, Zynga patent, Calin
4	103	1-22	FarmVille, Zynga patent, Tweet Land
5	103	1-8, 11-17, 20-23	Barclay '019
6	103	1-8, 11-17, 20-23	Barclay '019, Barclay '363

Below, Petitioner discusses why the challenged claims are unpatentable under the statutory grounds raised, including how and where the prior art satisfies each element of each challenged claim, as required by 37 C.F.R. §42.104(b)(4).² Petitioner's showing establishes that there is a reasonable likelihood that it will prevail on each ground of unpatentability to each challenged claim.

A. Ground 1: FarmVille and Zynga Patent Render Obvious Claims 1, 4-5, 7-9, 11, 14, 16-18, 20-22.

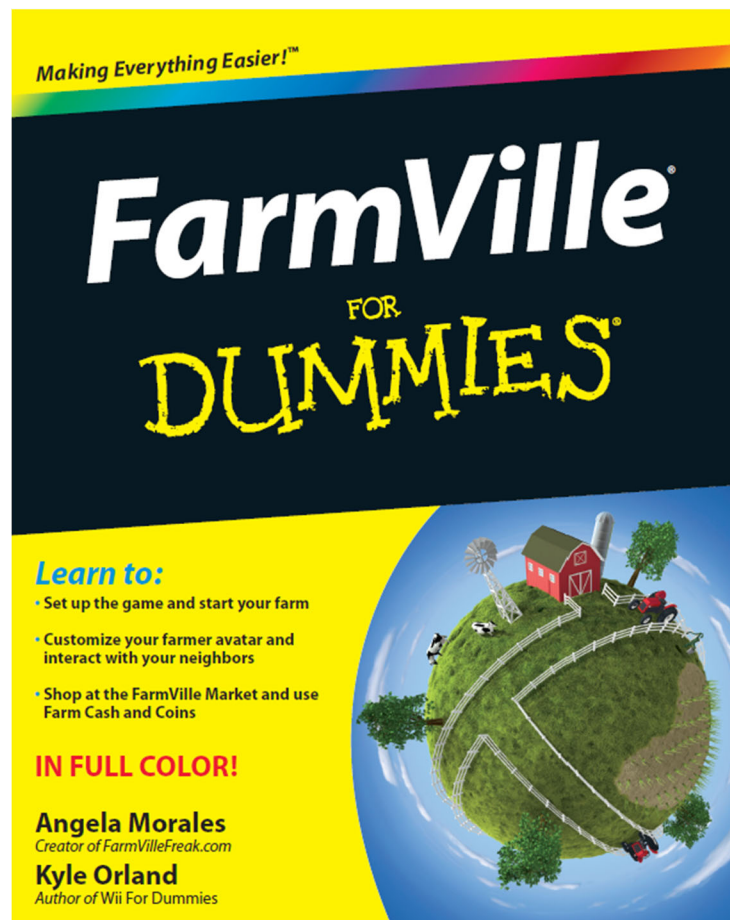
1. Summary of FarmVille

FarmVille was published/made publicly available at least by March 25,

² Petitioner also shows how each claim preamble is satisfied but does not concede any is limiting.

2011, and thus qualifies as prior art under §102(a) and (b). (EX1021.) The Examiner never found, and Applicant never cited, it during prosecution. (EX1002, ¶¶63-74.)

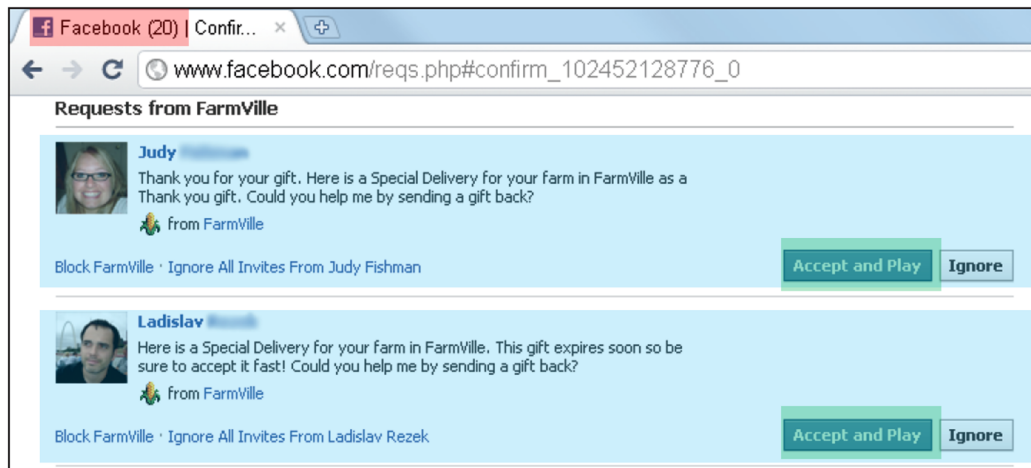
FarmVille is a 268-page guide to FarmVille, “the most popular Facebook application created to date.” (EX1004, 1.) The game is hosted on “*FarmVille servers* maintained by developer Zynga.” (*Id.*, 11.)



(EX1004, Cover.)

FarmVille players can post FarmVille-related *content* on their *Facebook news feed*, as shown below. (See EX1004, 70, 66; see also *id.*, 9, 46, 54-55, 70-71,

149-150, 155-156, 206; EX1017, 1-2; EX1016, 70, 142.)



(Excerpt from EX1004, Figure 3-4.)

Further, Facebook users can *interact* with FarmVille-related *content* via *Facebook* to modify the game. (EX1002, ¶¶63-74.) For example, a Facebook user can “*click the link* that appears in *their news feed* to accept the item or bonus” (EX1004, 71, Figure 8-5.) “Coins and experience points are added to [their] FarmVille account.” (EX1004, 149.)



Figure 8-5: A bonus XP link as seen in a FarmVille news feed.

(EX1004, Figure 8-5.)

As another example, “if you see a lost animal on your friend’s news feed, you can *click the link* to adopt it for your farm.” (EX1004, 46, Figure 3-9.) The animal “will appear in your Gift Box.” (*Id.*, 46.)

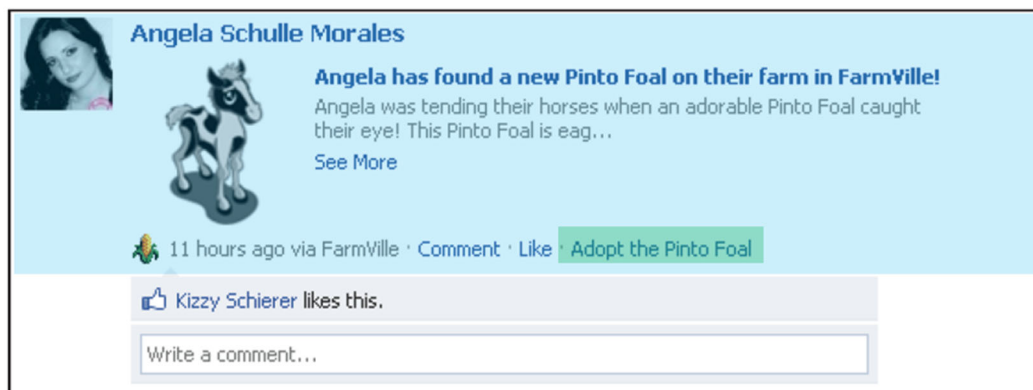


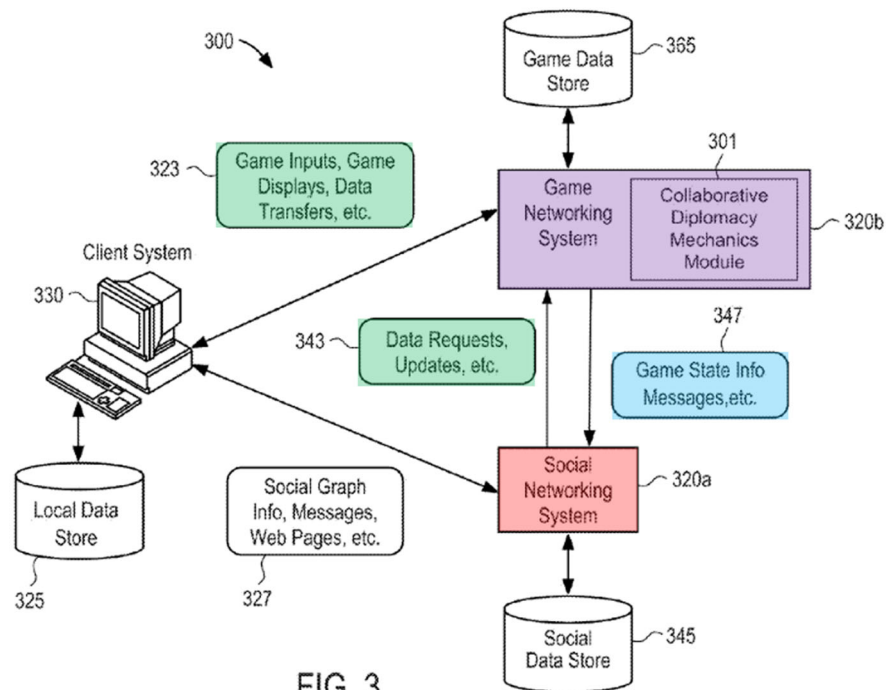
Figure 3-9: A lost animal shared via a friend’s Facebook newsfeed.

(EX1004, Figure 3-9.)

2. Summary of Zynga Patent

Zynga patent was filed on September 26, 2011, before the earliest provisional application filing date of the '388 patent, and thus qualifies as prior art under §102(e). (EX1008, 1.) The Examiner never found, and Applicant never cited, Zynga patent during prosecution. (EX1002, ¶¶75-77.)

Zynga patent is assigned to Zynga Inc., the developer of FarmVille. (EX1008, 1.) Zynga patent explicitly mentions “Farmville” and games where players “plant a crop” and “build a farm.” (*Id.*, 14:53, 12:14-15.) Its *gaming servers* transmit *content items* and receive *interaction data*, as shown in FIG. 3.



3. A POSITA would have been motivated to combine FarmVille and Zynga Patent.

Zynga patent is assigned to FarmVille’s developer and explicitly mentions

“Farmville.” (EX1008, 14:53, 12:6-15.) The references are analogous to the ’388 patent, are from the same field of endeavor, and address the same technical problem of operating online games. (EX1001, Abstract; EX1002, ¶78.)

The combination merely applies known operations of Zynga’s game servers (*e.g.*, FarmVille servers) to FarmVille. The FarmVille reference is generally focused on user-facing gameplay experience, while Zynga patent describes backend operations of online games like FarmVille. To the extent that FarmVille does not explicitly disclose backend operations of FarmVille servers to “transmit” *content items* and “receive” *interaction*, Zynga explicitly provides these implementation details. In the combination, FarmVille servers would *transmit user/game activity data* to a social online service (*e.g.*, Facebook) for display, and also *receive player inputs* and *game updates* from the social online service (*e.g.*, Facebook) and/or the client device to operate the game. (EX1002, ¶¶79-80.)

The combination would predictably enable server-side maintenance and synchronization of game state and efficient coordination with the social online service. (*See* EX1008, 4:24-47, 10:33-56, 11:17-30.) Zynga patent’s known benefits would prompt its application in the same field based on design incentives and market forces and would yield the predictable result of a scalable, networked game architecture. A POSITA would have been motivated to combine the references to improve FarmVille in the same way. Further, it would have been

obvious to try combining the teachings as there were only a finite number of identified and predictable solutions for operating an online game, which would generally involve transmission of data to and from the gaming server. The combination is straightforward and readily achievable by a POSITA, as demonstrated by successful implementations in the field. Thus, there would have been a reasonable expectation of success in combining the references. (EX1002, ¶¶81-83.)

4. Claim 1

- a. 1[PR]: “A computer-implemented method for providing a *video gaming environment* hosted on a *server* to one or more users, comprising:”

FarmVille discloses this element. “FarmVille is a Web-based farming simulation *game*” (EX1004, 7.) FarmVille includes “interactive and animated content” and thus is a video game, shown below. (EX1004, 17; *see also id.*, 7, 11, 12; EX1002, ¶¶84-88.) It has “more than 50 million active players.” (*Id.*, 1.)

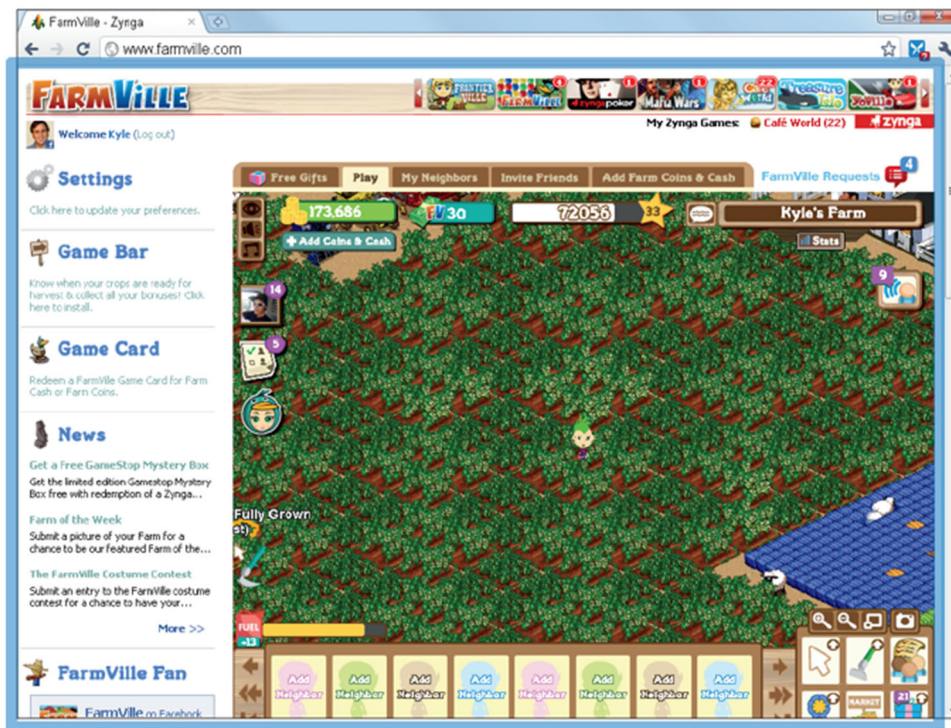


Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

FarmVille's *video gaming environment* can be accessed via a web browser on Facebook.com and FarmVille.com, or via a “mobile FarmVille app.” (EX1004, 24, 26.) “[A] user can employ practically any computer with an Internet connection and a graphical Web browser to play FarmVille.” (*Id.*, 16, 7.)

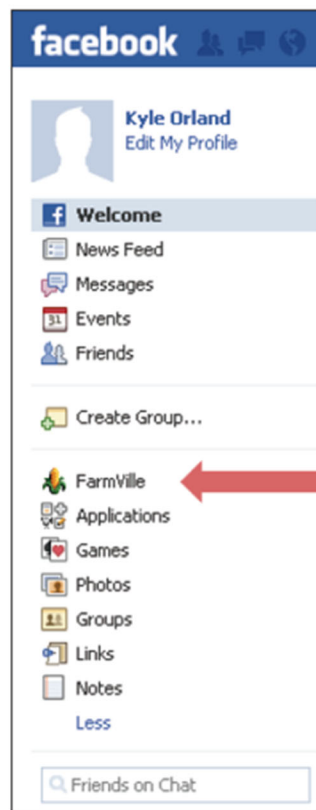


Figure 2-3: How the FarmVille bookmark appears on your Facebook sidebar.

(EX1004, Figure 2-3.)



Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

FarmVille's *video gaming environment* is hosted on a *server*. (EX1002, ¶¶89-90.) "Your farm and the game program required to maintain it exist as part of a series of *online data centers* maintained by FarmVille's publisher, Zynga." (EX1004, 16.) "This farm, and the *game* itself, . . . exist on 'the cloud' of *FarmVille servers*[".] (EX1004, 11.) "JavaScript lets your browser talk to the *FarmVille servers* and keep the farm that you see on your screen synced with the version stored in the *Internet 'cloud' of online servers*." (EX1004, 17; see also *id.* at 32, 62, 225-229.)

A POSITA would understand that operating FarmVille involves a “computer-implemented method” implemented by “FarmVille servers” and user computers. (EX1004, 15, 26; EX1002, ¶91.)

- b. 1[A][1]: “providing access to the *video gaming environment*, by the *server*, to the one or more users via one or more user devices,”**

FarmVille discloses this element.

As discussed above, access to *FarmVille* is provided by “*FarmVille servers*” to “millions” of users via web browsers and mobile apps. (*Supra* §IV.A.4.a.) Various user devices provide these browsers and apps, including “any computer that can handle a graphical Web browser” and “iPhone, iPod Touch, and iPad.” (EX1004, 15, 26; EX1002, ¶¶92-94.)

- c. 1[A][2]: “the one or more user devices including a user interface configured to display the video gaming environment;”**

FarmVille discloses this element. (EX1002, ¶¶95-98.)

Exemplary user interfaces displaying FarmVille’s *video gaming environment* are shown below. In Figure 2-4, the FarmVille user interface is provided via a web browser through Farmville.com. (EX1004, 15.)



Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

In Figure 3-1, the FarmVille user interface is provided via a web browser through Facebook. (EX1004, 29-30.)

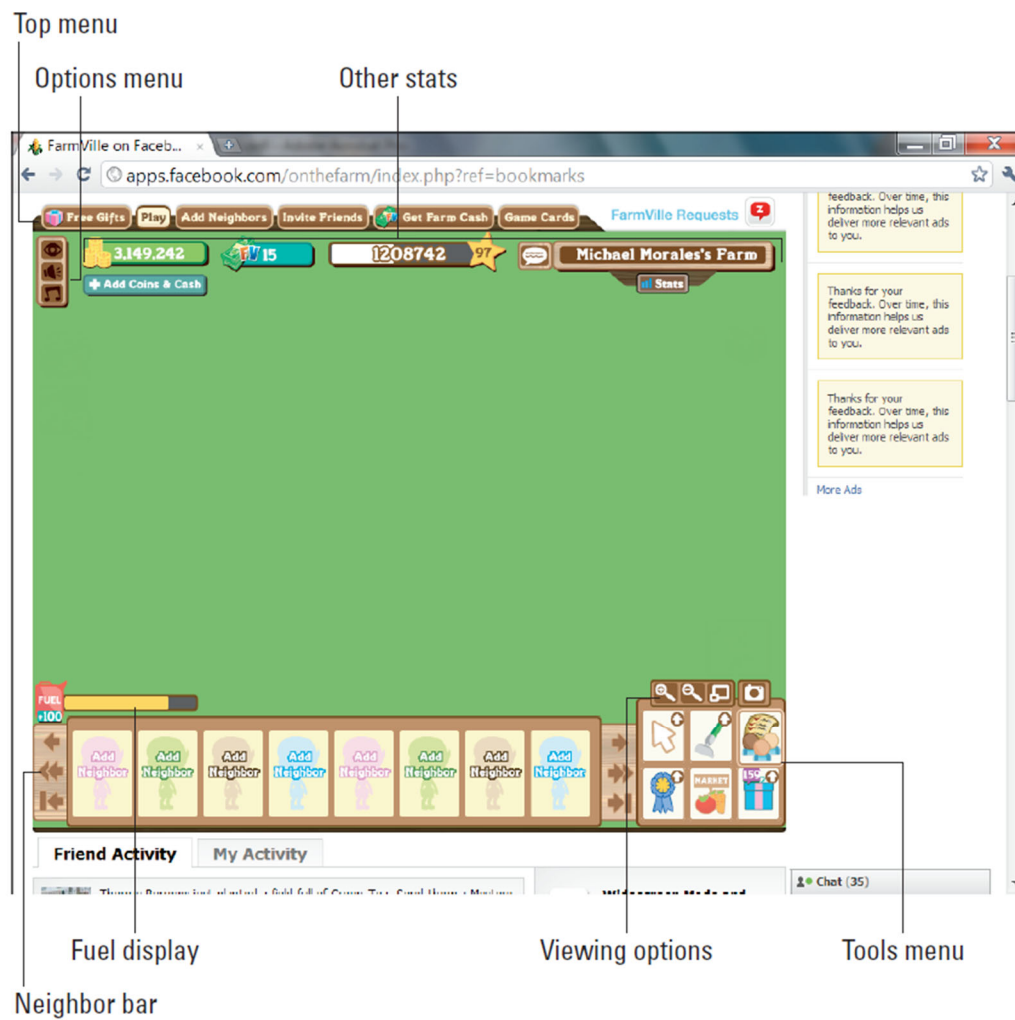


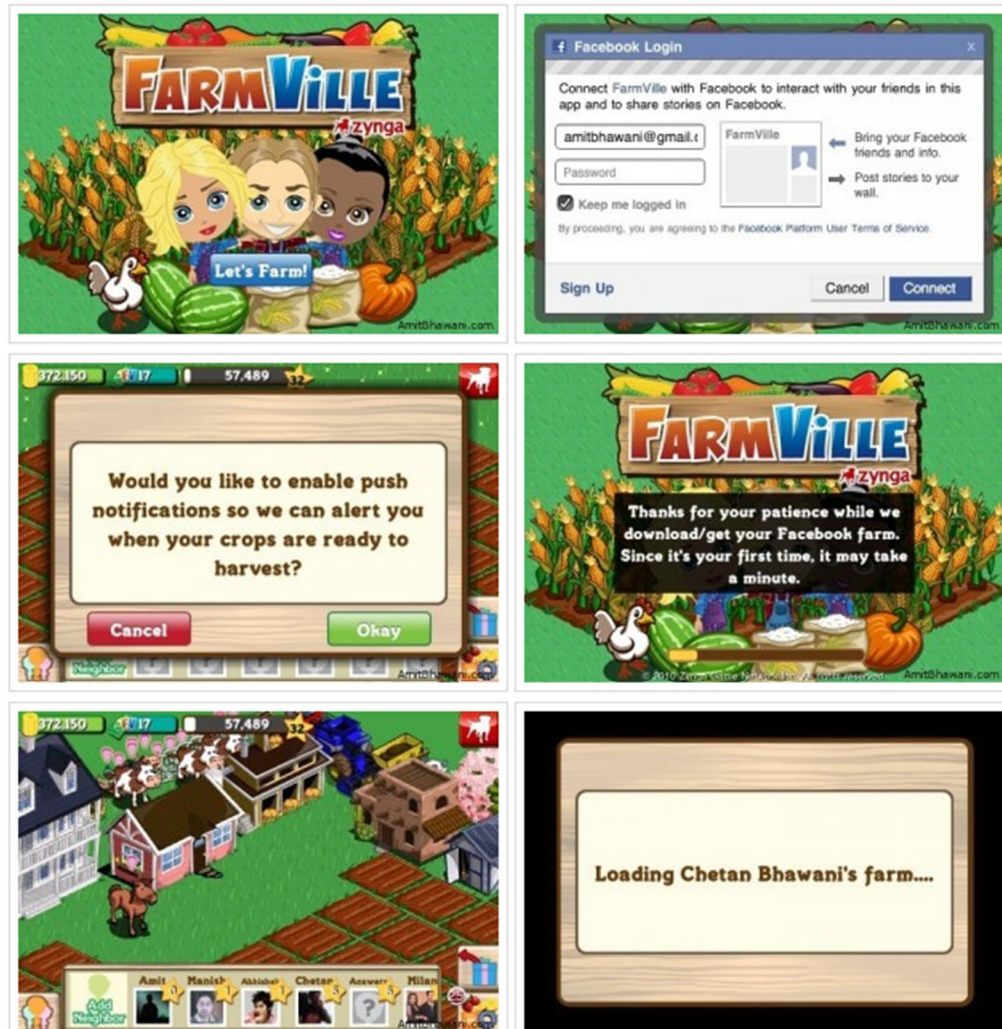
Figure 3-1: The major parts of the FarmVille user interface.

(EX1004, Figure 3-1.)

Further, FarmVille's mobile app also includes FarmVille user interfaces.

(See also EX1004, 26.)

Game Photos :



(EX1012, 2-3.)

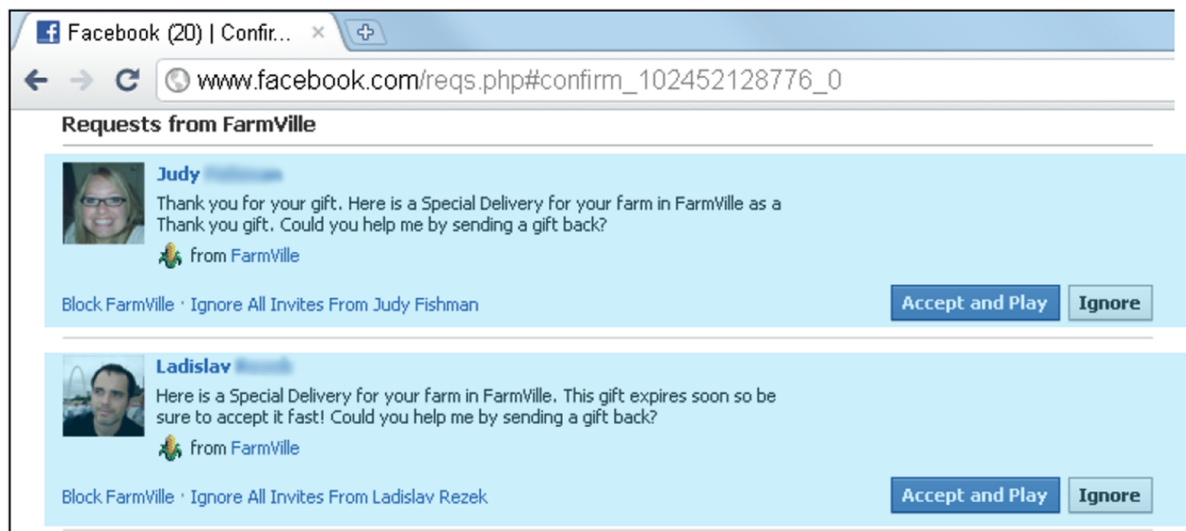
- d. 1[B]: “transmitting, by the server, a *content item* to a *social online service*, the content item representing an event associated with a *first user* in the video gaming environment;”

FarmVille (or alternatively FarmVille-Zynga) discloses this element.

FarmVille “takes advantage of *Facebook’s social networking framework* to encourage interaction with other players.” (EX1004, 9, 15 (“connect[] to

Facebook before you start farming.”), 12, 19.) A POSITA would have found it obvious that Facebook servers provide a **social online service**. (EX1002, ¶100.)

FarmVille discloses **transmitting**, by the **server**, a **content item** to the **social online service**. FarmVille causes Facebook to display FarmVille-related content, as shown below. (*Infra* §IV.A.4.e.) This means (and a POSITA would find it obvious) that **FarmVille servers** send **user/game activity data** (*i.e.*, content item) to **Facebook** for display. The **user/game activity data** includes, for example, identifiers, action types, hyperlinks or URLs, text data, image data, metadata, etc. needed by **Facebook** to generate/display Facebook posts or elements thereof. (EX1002, ¶101)



(Excerpt from EX1004, Figure 3-4)



Figure 8-5: A bonus XP link as seen in a FarmVille news feed.

(EX1004, Figure 8-5.)

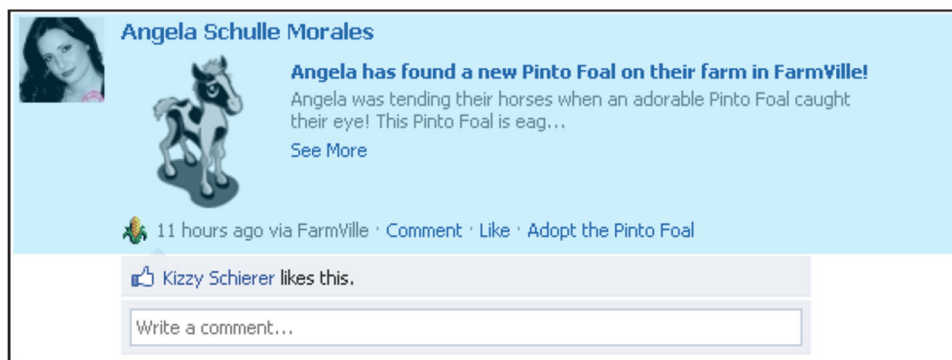


Figure 3-9: A lost animal shared via a friend's Facebook newsfeed.

(EX1004, Figure 3-9.)

For example, in Figure 4-10 below, **Michael** sends a Dutch Rabbit gift to other players. (EX1004, 71, Figure 4-10.) After the player clicks Send, “[a] news post detailing your gift shows up on your neighbor’s **Facebook** news feed.”

(EX1004, 66, *see also id.*, Figure 4-8.) It would have been obvious to a POSITA

that, after the player clicks Send, *FarmVille servers* would generate/transmit *content items* (e.g., hyperlinks, text data, user ID) to *Facebook* to generate the post for the neighbors. (See also EX1004, 155-156.)



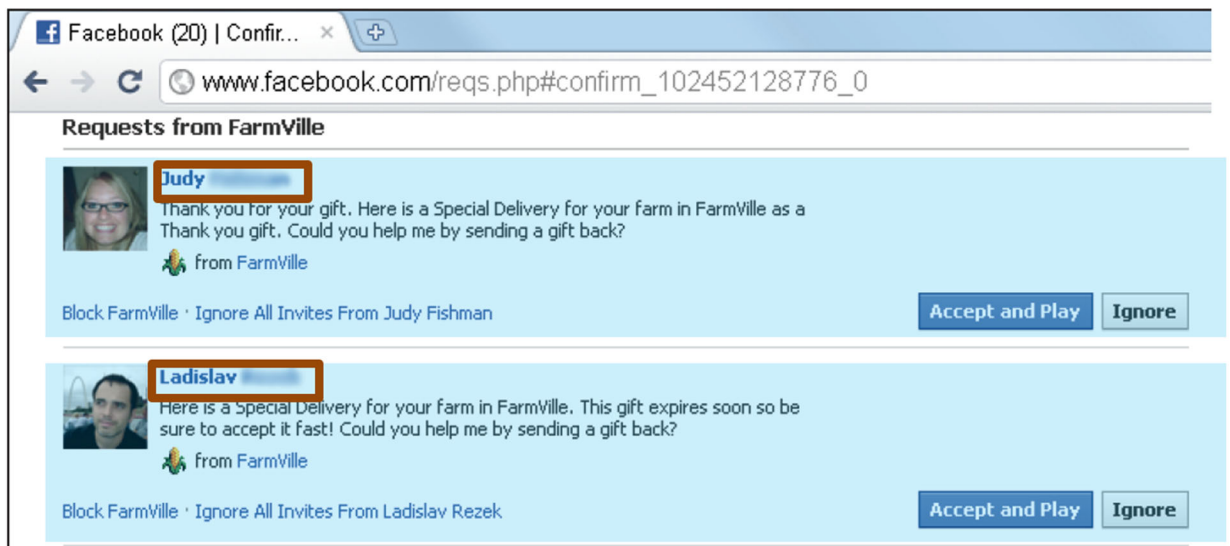
Figure 4-10: A Facebook News feed publishing box.

(EX1004, Figure 4-10.)

The transmission is discussed in “Developer Addendum No. 2 By and Between Facebook, Inc. and Zynga Inc.” dated December 26, 2010. (EX1013.) Facebook provides “a set of APIs and services that enable others, including *application developers and website operators*, to . . . provide *data* to *[Facebook]*.” (EX1013, 35.) Further, content items include *links*: “[a]ny *Stories* generated by *Zynga* in connection with a Covered Zynga Game that are displayed in a *FB communication* channel may contain *links* . . . (e.g. *Stories* in a *newsfeed on FB* must link to the Covered Zynga Game on the Facebook Site[.])” (EX1013, 10;

EX1002, ¶¶102-03.)

These *content items* represent *events* associated with a *first user* as shown in many examples. (See EX1004, 70; EX1002, ¶¶104-116.) First, the Facebook posts below contain FarmVille *content items* (e.g., hyperlink for “Accept and Play,” text data, user ID) representing a *gifting* event associated with a *FarmVille player*.



(Excerpt from EX1004, Figure 3-4.)

Second, Figure 8-5 shows a Facebook post that contains the FarmVille *content item* (e.g., hyperlinks, text data, user ID) representing a *bonus* event associated with *Judy*. (EX1004, 149-150; *see also* EX1016, 142.)



Figure 8-5: A bonus XP link as seen in a FarmVille news feed.

(EX1004, Figure 8-5.)

Third, Figure 3-9 below shows a Facebook post that contains FarmVille *content item* representing an *animal adoption* event associated with *Angela*.

(EX1004, 149-150, 36.)



Figure 3-9: A lost animal shared via a friend's Facebook newsfeed.

(EX1004, Figure 3-9.)

Fourth, a FarmVille *content item* can represent a *barn-raising* event to expand barn storage. (EX1004, 155-156.) The player “[t]ype[s] an optional message and then click[s] Publish” and the “barn-raising request is now posted on your *news feed*.” (*Id.*, 156.)



(EX1017, 1.)

Fifth, a FarmVille *content item* can represent a *game invitation* event associated with a *player*. The *player* can “type an optional note to go along with your request” and “[a] post appears on your friend’s *Facebook news feed* . . . Any friends who click the Accept and Play button are asked to install the game[.]”

(EX1004, 56.)



Figure 4-2: The Invite Friends page.

(EX1004, Figure 4-2.)

Sixth, a FarmVille *content item* can represent a *neighbor request* event associated with a *player*. A *player* can “[c]lick the My Neighbors tab,” “[c]lick the blue Add as Neighbor button,” and “[c]lick Send”. (EX1004, 55-56.) Further, he can “type an optional note to go along with your request.” (*Id.*, 55.) “A neighbor request will be posted to your friend’s *Facebook news feed*.” (*Id.*)



Figure 4-1: The My Neighbors page.

(EX1004, Figure 4-1.)

Seventh, a FarmVille *content item* can represent a *co-op job recruiting* event associated with a *player*. A *player* can “[c]lick the Recruit Friends button” and “[c]lick the Share button in the [pop-up] notification box” to access the Facebook message posting dialog box. (EX1004, 206.) The *player* may “[e]nter a message and then click Publish to post the notice on [the user’s] *Facebook wall*.”
Id.

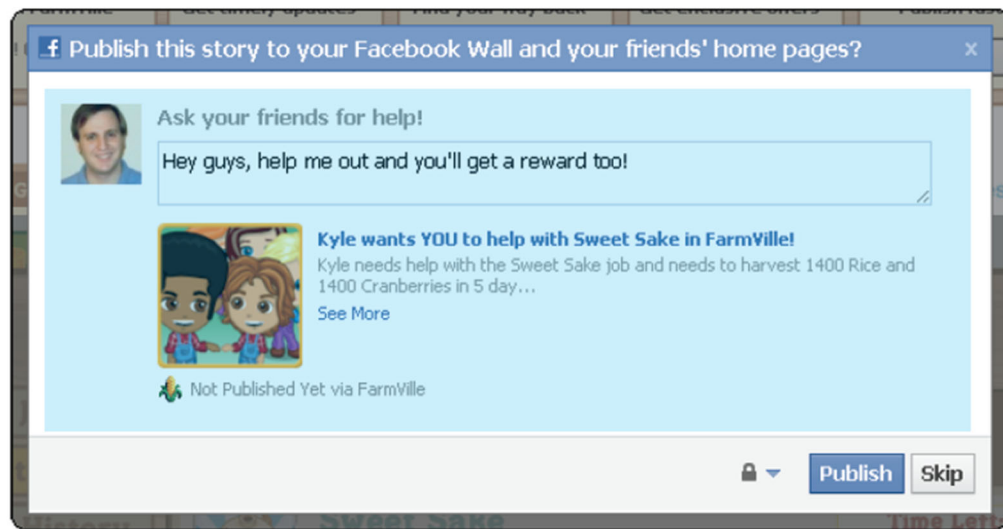
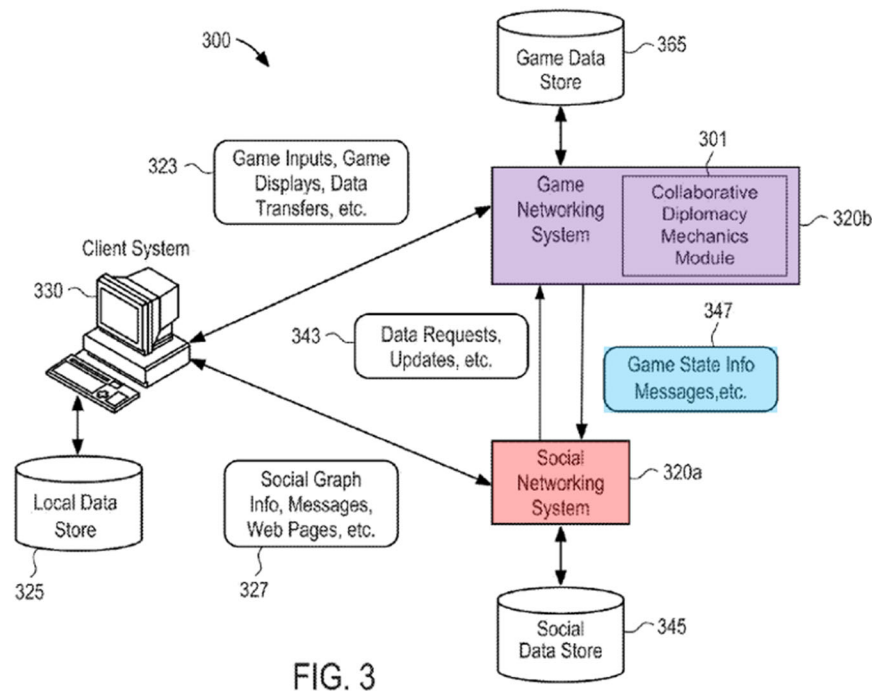


Figure 12-5: Posting a note about your co-op job to the Facebook news feed.

(EX1004, Figure 12-5.)

It would have been obvious to a POSITA that, in each example above, after the *player* clicks the confirmation button to send the request, *FarmVille servers* would generate/transmit *content items* (e.g., hyperlinks, text data, user ID, optional note) to *Facebook* (e.g., Facebook servers) to generate Facebook posts, thus disclosing “transmitting, by the *server*, a *content item* to the *social online service*.” (EX1002, ¶116.)

To the extent that FarmVille does not explicitly disclose that FarmVille servers “transmit” content items, Zynga patent discloses this. Zynga patent discloses *servers* that operate an online game, such as “game networking system 320 [which can] . . . have one or more *servers*.” (EX1008, 8:39-40.)



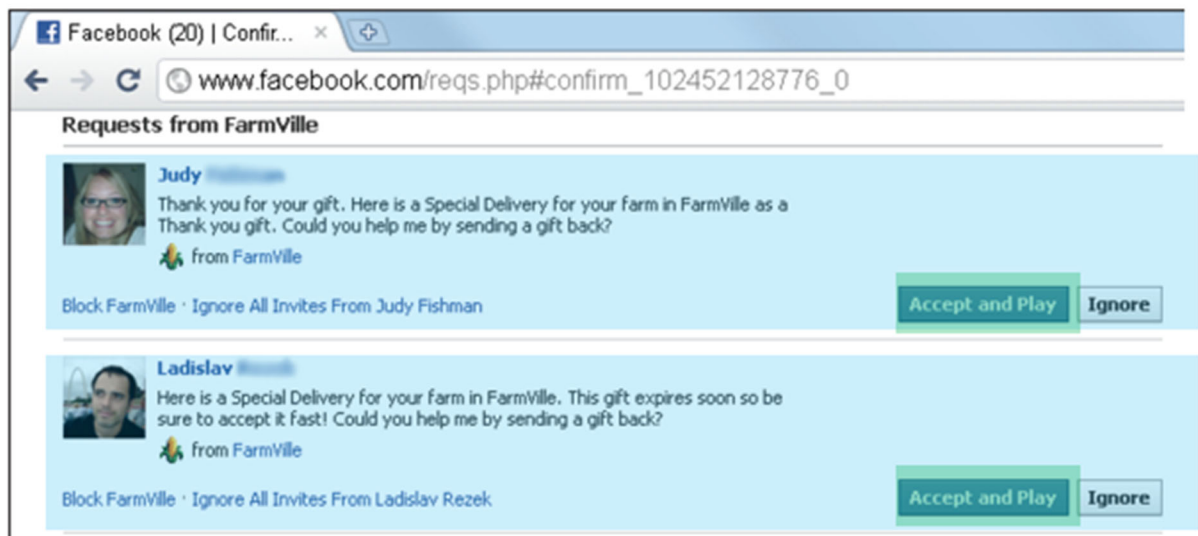
As shown in FIG. 3, “the *game networking system 320b* can *communicate* data 347 (e.g., *game state information, game system account information, page info, messages, data requests, updates, etc.*) with other networking systems such as the *social networking system 320a* (e.g., *Facebook, Myspace, etc.*).” (EX1008, 8:57-62, *see also id.*, 3:1-4; EX1002, ¶¶117-118.)

- e. 1[C]: “receiving, by the server, an *interaction* via the social online service of a *second user* with the content item on the social online service;”

FarmVille (or alternatively FarmVille-Zynga) discloses this element.

As discussed below, FarmVille servers receive *interaction data indicative of user input and/or intent* (i.e., “*interaction*”), such as accepting gifts, adopting an

animal, etc. First, to accept a gift, a *user* can “[c]lick the Accept and Play button [corresponding to a FarmVille *hyperlink*] next to the gift [they] want to accept.” (EX1004, 67, 68, Figure 3-4.) As shown, the *click* is via *Facebook*. (EX1002, ¶¶120-128.)



(Excerpt from EX1004, Figure 3-4.)

In the second example (*i.e.*, accepting items or bonuses), “[y]our neighbors will be able to *click the link* that appears in *their news feed* to accept the item or bonus or provide help with your request.” (EX1004, 71, Figure 8-5; *see also id.*, 149, 71.)

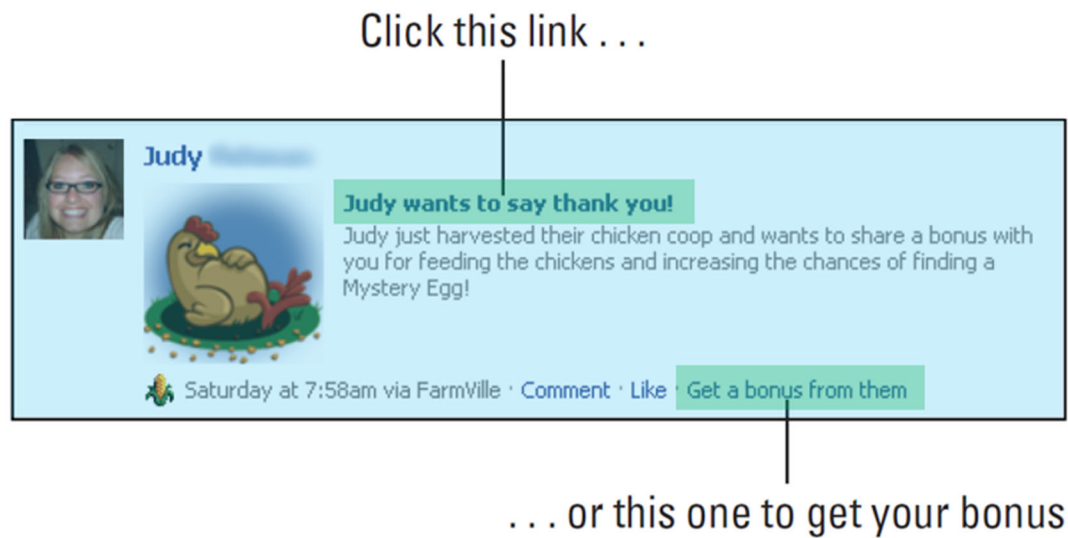


Figure 8-5: A bonus XP link as seen in a FarmVille news feed.

(EX1004, Figure 8-5.)

In the third example (*i.e.*, adopting animals), “if **you** see a lost animal on **your friend’s news feed**, **you** can **click the link** to adopt it [.]” (EX1004, 46, Figure 3-9.) “[O]nly the first person to click each news feed link can adopt the animal in question[.]” (EX1004, 46.)

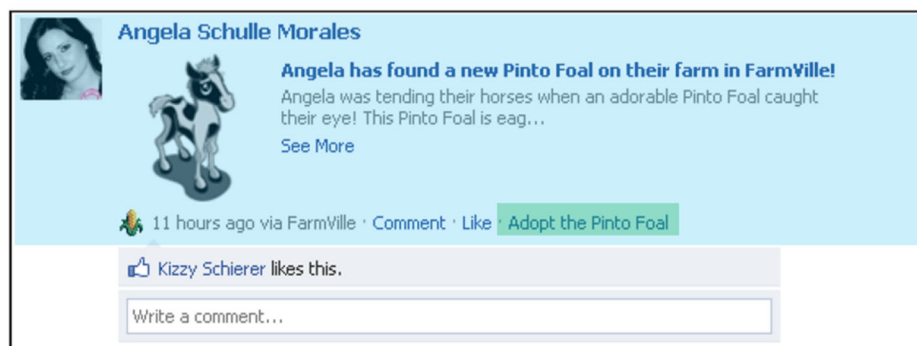


Figure 3-9: A lost animal shared via a friend’s Facebook newsfeed.

(EX1004, Figure 3-9.)

In the fourth example, after a user initiates a barn-raising, the “*barn-raising request*” is now posted on [their] *news feed*.” (EX1004, 156.) “Ten of *your neighbors* need to *click the link* in this news post over the next three days to complete your barn raising and expand your building’s storage.” (*Id.*)



(EX1017, 1.)

In the fifth example (*i.e.*, accepting an invitation to play FarmVille), “[a] post appears on your friend’s Facebook *news feed* . . . *Any friends* who *click* the Accept and Play button [corresponding to a FarmVille *hyperlink*] are asked to install the game[.]” (EX1004, 56.)

In the sixth example (*i.e.*, accepting neighbor request), “[*y/our Facebook friend*] has to *click* the Accept and Play button [corresponding to a FarmVille *hyperlink*] on the *news feed* post you sent before . . . becom[ing] your neighbor.” (EX1004, 55.)

In the seventh example (*i.e.*, joining a co-op job), “[*y/our neighbors*] can

click a link that automatically appears in the *news feed* post to join your co-op job.” (EX1004, 206.)

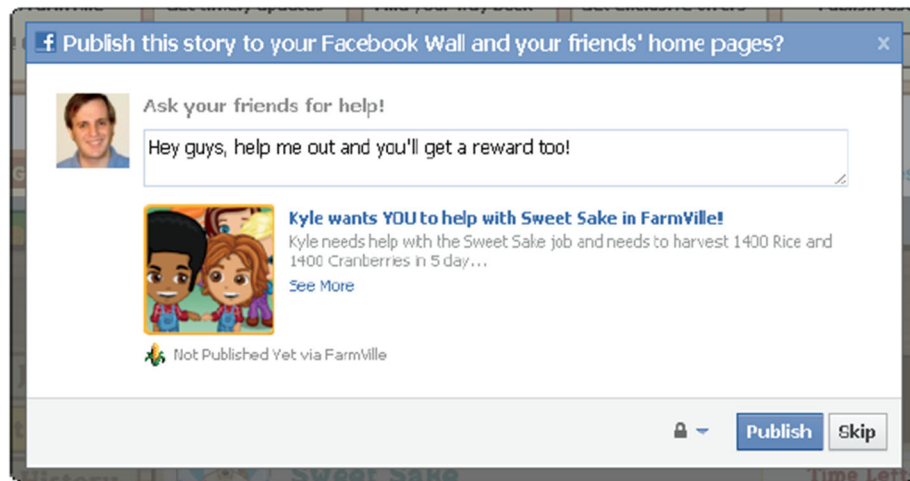


Figure 12-5: Posting a note about your co-op job to the Facebook news feed.

(EX1004, Figure 12-5.)

In each example above, the *Facebook user* *interacts* with *content items* (e.g., elements on the social-network post including displayed information and hyperlink) on *Facebook*. (EX1002, ¶129.)

FarmVille discloses receiving, by *FarmVille servers*, the *interaction*. “This farm, and the game itself, . . . exist on ‘*the cloud*’ of *FarmVille servers*[.]” (*Supra* §IV.A.4.a; EX1004, 11.) Thus, a POSITA would have found it obvious that *interaction* would be received by *FarmVille servers*. (EX1002, ¶130.) *FarmVille servers* would process the received *interaction* to update server-side databases (e.g., inventories), game state, and/or display of the gameplay. FarmVille

confirms such server-side updating. (*See, e.g.*, EX1004, 67-68 (“[t]he Gift Box menu . . . contains all the gifts you accepted”), 55 (“[f]riends who accept then appear . . . in the Neighbor bar”).))

Further, a POSITA would understand that the received *interaction* would further include associated *metadata*. (EX1002, ¶131.) In FarmVille, “some items . . . are available for only a limited time, or . . . only to the first few neighbors who click the link.” (EX1004, 71.) Likewise, “only the first person to click each news feed link can adopt the animal in question[.]” (*Id.*, 46.) For barn raising, “[t]en of your neighbors need to click the link . . . over the next three days[.]” (*Id.*, 156.) A POSITA would understand that FarmVille servers receive metadata associated with clicks to determine whether these rules are met. (EX1002, ¶131.)

To the extent that FarmVille does not explicitly disclose that *FarmVille servers* “receive” *interaction*, Zynga patent discloses this. As shown in FIG. 3, *game networking system 320b* receives *game inputs* (323) and *updates* (323, 343). “[D]ata [323] can include, for example, webpages, messages, *game inputs*, game displays, HTTP packets, data requests, transaction information, *updates*, and other suitable data.” (EX1008, 8:52-56; *see also id.*, 3:1-4, 4:42-47, 10:3-10.) The *interaction* can also be from the social networking system as shown by data 343 in FIG. 3. (*See also id.*, 8:62-67, 4:27-30; EX1002, ¶¶132-134.)

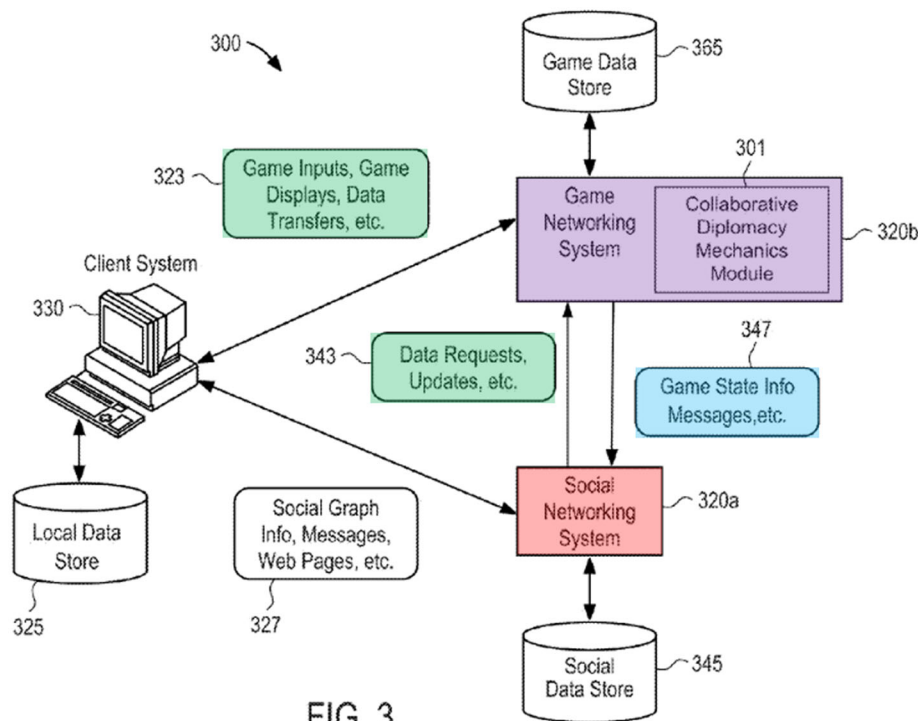


FIG. 3

(EX1008.)

f. 1[D]&1[E]: “determining, by the server, an ***influence*** to the video gaming environment based on the ***interaction*** via the social online service of the second user with the content item on the social online service; and ***modifying***, by the server, the video gaming environment based on the ***influence***.”

FarmVille (or alternatively FarmVille-Zynga) discloses these elements.

(EX1002, ¶¶135-142, 145-152.)

In the first example (*i.e.*, accepting gifts), a player can “***click*** the Accept and Play button next to the gift [they] want to accept” and “[a] ***Gift Acceptance confirmation page appears***, as shown in Figure 4-9.” (EX1004, 67-68.) “The ***Gift Box menu appears***, which contains all the gifts [the player] accepted.” *Id.* Thus, based on the second user’s ***interaction*** (indicating user input/intent to accept a

gift), *FarmVille servers* determine the *influence* (i.e., updating server-side databases, updating the game display) and *modify* the game accordingly.

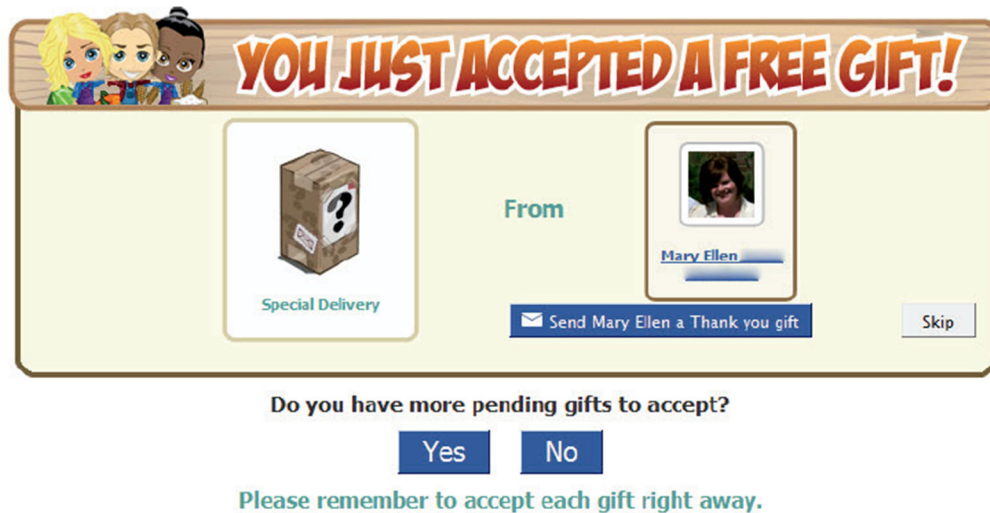


Figure 4-9: The Gift Acceptance confirmation page.

(EX1004, Figure 4-9.)

In the second example (i.e., accepting items or bonuses), “[y]our neighbors will be able to *click* the link that appears in their news feed to *accept the item or bonus*[.]” (EX1004, 71.) “[S]ome items shared via news feeds are available for only a limited time, or are available only to the first few neighbors who click the link.” (*Id.*, see also *id.*, 190, 149.) Thus, based on the second user’s *interaction* (indicating user input/intent to accept item/bonus) and the rules, *FarmVille servers* determine the *influence* of whether and how to update server-side databases and the game display, and *modify* the game accordingly.

In the third example (i.e., adopting animals), “if you see a lost animal on

your friend's news feed, you can *click* the link to *adopt it for your farm*. (It will appear in your Gift Box.) Note that only the first person to *click* each news feed link can adopt the animal in question, so keep your eyes peeled and your clicking finger ready.” (EX1004, 46.) Thus, based on the second user's *interaction* (indicating user input/intent to adopt) and the rules, *FarmVille servers* determine the *influence* of whether to update server-side databases and the game display, and *modify* the game (e.g., Farm GUI, Gift Box GUI, game state) accordingly.

In the fourth example (i.e., barn raising), “[t]en of your neighbors need to *click* the link in this news post over the next three days to *complete your barn raising and expand your building's storage*[.]” (EX1004, 156.) Thus, based on the second user's *interaction* (indicating user input/intent to help) and the rules, *FarmVille servers* determine the *influence* of whether to update server-side databases or states (e.g., barn raising progress, coin rewards, building storage) and the game display, and *modify* the game accordingly.

In the fifth example (i.e., accepting an invitation to play FarmVille), “[a] post appears on your friend's Facebook news feed, asking him or her to join you in playing FarmVille. Any friends who *click* the Accept and Play button are *asked to install the game and set up their farm*.” (EX1004, 56.) Thus, based on the second user's *interaction* (indicating user input/intent to accept), *FarmVille servers* determine the *influence* of updating server-side databases (e.g., of the

FarmVille players) and the game display, and *modify* the game (e.g., prompting GUI) accordingly.

In the sixth example (*i.e.*, accepting neighbor requests), “[y]our Facebook friend has to *click* the Accept and Play button on the news feed post you sent before *he or she officially becomes your neighbor*. Friends who accept then *appear in the form of a profile picture and username in the Neighbor bar at the bottom of your FarmVille game*.” (EX1004, 55.) Thus, based on the second user’s *interaction* (indicating user input/intent to accept), *FarmVille servers* determine the *influence* of updating server-side databases (e.g., of neighbors) and the game display, and *modify* the game (e.g., GUI, list) accordingly.

In the seventh example (*i.e.*, joining co-op jobs), “neighbors can *click* a link that automatically appears in the [Facebook] news-feed post to *join your co-op job*.” (EX1004, 206.) Thus, based on the second user’s *interaction* (indicating user input/intent to join), *FarmVille servers* determine the *influence* of updating server-side databases (e.g., of co-op job participation and status) and *modify* the game (e.g., GUI, list) accordingly.

FarmVille discloses or at least suggests that the determination of influence is by *FarmVille servers*. “This farm, and the game itself . . . exist on ‘*the cloud*’ of *FarmVille servers* maintained by developer Zynga.” (*Supra* §IV.A.4.a; EX1004, 11.) A POSITA would have understood that databases and game-state information

are maintained by FarmVille servers, which receive the interaction, determine the influence, and modify the game. (EX1002, ¶143.)

Zynga patent explicitly discloses this. The “*remote game server*, such as a game networking system . . . [can] process[] the inputs from the player, *updat[e]* *and/or synchroniz[e]* the game state based on the game logic and each input from the player” (EX1008, 4:35-41; *see also id.*, 12:9-15, 12:41-47, 13:20-25, 10:57-11:30; EX1002, ¶¶144, 153.)

5. Claim 4

FarmVille (or alternatively FarmVille-Zynga) discloses this claim.

FarmVille discloses multiple gameplay statuses. “As a social game, . . . *FarmVille neighbors* are a subset of your *Facebook friends*[.]” (EX1004, 12; *see also id.*, 54-55.) Thus, FarmVille provides multiple statuses: the person who owns the farm, FarmVille player who is a neighbor, FarmVille player who is not a neighbor, and non-player. Each status indicates role of a given user. (EX1002, ¶155.)

Further, FarmVille determines the influence to the video gaming environment based on gameplay status. For example (*i.e.*, accepting gifts), “[y]ou *can send gifts to other Facebook friends, but they’ll have to install the game before they can accept your gifts.*” (EX1004, 66.) Thus, FarmVille servers determine whether the second player is of the non-player status and determine

whether to provision the gift or prompt game install accordingly. (*Supra* §IV.A.4.f; EX1002, ¶156.)

As another example (*i.e.*, joining a co-op job), you can “[r]ecruit [f]riends to [h]elp” with a co-op job. (EX1004, 206, Figure 12-5.) However, only “[y]our **neighbors** can click a link . . . to join your co-op job.” (EX1004, 206.) Thus, FarmVille servers would determine whether the second user is a neighbor to update the game display and server-side databases to add the neighbor to the co-op job. (EX1002, ¶157.)

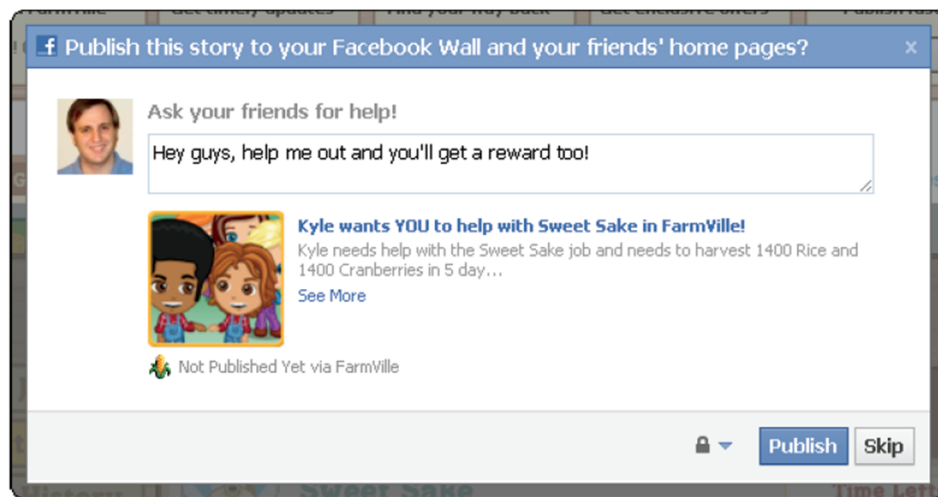


Figure 12-5: Posting a note about your co-op job to the Facebook news feed.

(EX1004, Figure 12-5.)

As another example, “some items shared via news feeds are available for only a limited time, or are available only to **the first few neighbors** who click the link.” (EX1004, 71, 190.) A POSITA would have understood that FarmVille

servers would determine if the second user is a neighbor before providing the item/bonus in FarmVille. (*Infra* §§IV.A.6-IV.A.8; EX1002, ¶158.)

Further, Zynga patent discloses that “[a] game engine determines the outcome of a game event according to a variety of factors, such as the game rules, a player character's in-game actions, *player character state*, game state, interactions of other player characters, and random calculations.” (EX1008, 12:9-13; EX1002, ¶¶159-161.) It would have been obvious to combine Zynga patent’s implementation details with FarmVille. (*Supra* §IV.A.3.)

6. Claim 5

The ’388 patent states “[a] ‘*casual*’ or ‘*follower*’ *game play* status enables players to play from a different perspective, providing *access to only a portion of the entire game*.” (EX1001, 8:9-12, 15:22-23.)

A FarmVille neighbor discloses the “casual player status” because it has limited capabilities. (*See, e.g.*, EX1004, 61-62 (a neighbor is “quite *limited in the actions* [they] can take”).) A FarmVille player who is not a neighbor also discloses the “casual player status” because that player has limited capabilities too. (EX1004, 57 (“Your friend then has to accept this request before you can visit his or her farm or take part in other neighbor activities[.]”).)

Thus, FarmVille discloses a core player status (*i.e.*, the person who owns the farm), a casual player status discussed above, and a non-player status (*i.e.*,

Facebook users without FarmVille accounts). (EX1002, ¶¶163-165.)

7. Claim 7

FarmVille discloses this claim. It discloses determining a gameplay status associated with the second user. (*Supra* §IV.A.5.) “You can send gifts to other Facebook friends, but *they’ll have to install the game before they can accept your gifts.*” (EX1004, 66.) Thus, FarmVille servers determine if the second player is a player before providing a gift. (*Supra* §IV.A.4.f.; EX1002, ¶166.)

Providing gifts/awards discloses “applying the influence to a game item” because it increments the count of gifts/awards. (EX1002, ¶167.) This is consistent with the ’388 patent (*See e.g.*, EX1001, 20:52-54 (a “#thunderstorm” comment leads to awarding “a thunderstorm item (in-game item)”), 16:46-49 (“user rewards/points including data on unlocked content, number of points, and rewards” are all “items”).).

Further, it would have been obvious that, in any example in claim 1, FarmVille servers would first determine that the second user (*i.e.*, the user who clicked the post) is a FarmVille player before providing any reward (*e.g.*, gifts, animals, items) to the second user. (EX1002, ¶168.)

8. Claim 8

FarmVille discloses this claim. For example, in barn raising, “[t]en of *your neighbors* need to *click the link* . . . to *complete your barn raising and expand*

your building's storage[.]” (EX1004, 156.) Thus, the first user is rewarded with a completed barn-raising and expanded building storage responsive to the clicks. (*Supra* §IV.A.4.f; EX1002, ¶¶169-170.)

Also, a “Facebook friend has to *click* the Accept and Play button . . . before he or she officially becomes your neighbor.” (EX1004, 55.) Thus, the first user is rewarded with a new neighbor responsive to the click. Further, “*neighbors* can *click* a link . . . to join your co-op job.” (EX1004, 206.) Thus, the first user is rewarded with a helper with the co-op job responsive to the click. (EX1002, ¶¶171-173.)

9. Claim 9

FarmVille discloses this claim. “A pop-up box notifies . . . whether you’ve received a Mystery Egg[.]” (EX1004, 63.) “Although *you can’t keep the Mystery Eggs you find in your own Chicken Coop*, you can . . . post the egg to your Facebook news feed.” (EX1004, 165, Figure 10-4.) “[Y]our neighbors will be able to *click* the link . . . to accept the item or bonus[.]” (EX1004, 71, *see also id.*, 67-68.) Thus, the mystery egg and associated prizes are uncollected rewards as recited. (*Supra* §IV.A.4.f; EX1002, ¶¶174-175.)



Figure 10-4: A notification that you have found a Mystery Egg.

(EX1004, Figure 10-4.)

Further, “every so often a pop-up notification appears, asking whether you want to find a home for a lost, lonely animal. *You can’t keep the animal for yourself*, but . . . you can post a message about the lost animal . . . Your neighbors can then click the link . . . to adopt the animal[.]” (EX1004, 46, Figure 3-9.) The animal is an uncollected reward as recited. (*Supra* §IV.A.4.f; EX1002, ¶176.)

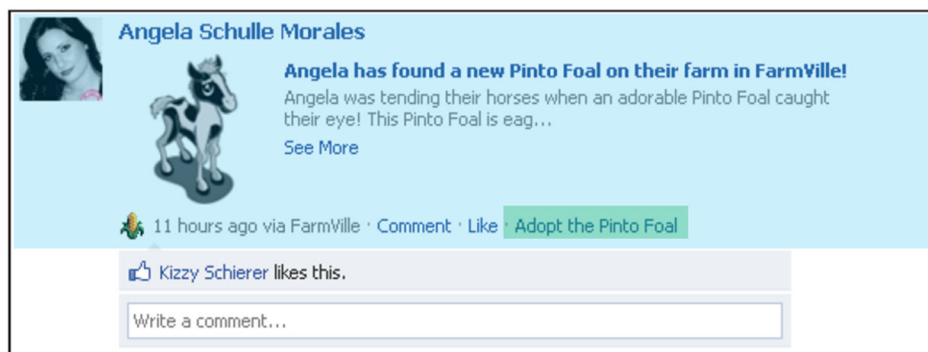


Figure 3-9: A lost animal shared via a friend’s Facebook newsfeed.

(EX1004, Figure 3-9.)

10. Claim 11

- a. 11[PR]: “A system for hosting and providing a video gaming environment to one or more users, comprising:”**

It would have been obvious to a POSITA that FarmVille is implemented on a computer-implemented system including “FarmVille servers.” (EX1004, 11, 16; EX1002, ¶177.) This system hosts and provides a video gaming environment to one or more users. (*Supra* §§IV.A.4.a, IV.A.4.b.) Zynga patent discloses this. (EX1008, 19:11-13, claim 1.)

- b. 11[A]: “one or more processors;”**

A POSITA would have understood (and it would be obvious) that “FarmVille servers” would include one or more processors. (EX1004, 11, 16; EX1002, ¶178.) Zynga patent discloses this. (EX1008, 19:11-14, claim 22.)

- c. 11[B]: “and a memory storing instructions that, when executed by the one or more processors, cause the system to:”**

FarmVille servers include a “*game program* required to maintain [the farm],” which a POSITA would understand to include or be instructions—stored on FarmVille servers’ memory—executed by FarmVille servers’ processors to implement the game. (EX1004, 16; EX1002, ¶179.) Zynga patent discloses this. (EX1008, 17:35-59, claim 22.)

- d. 11[C][1]-[G]**

FarmVille discloses these elements. (*Supra* §§IV.A.4.b, IV.A.4.c, IV.A.4.d, IV.A.4.e, IV.A.4.f; EX1002, ¶¶180-185.)

11. Claims 14, 16-18

FarmVille discloses these claims. (*Supra* §§IV.A.5, IV.A.7, IV.A.8, IV.A.9; EX1002, ¶¶186-189.)

12. Claim 20

- a. **20[PR]: “A computer program product comprising a non-transitory computer usable medium including a computer readable program for hosting and providing a video gaming environment to one or more users, wherein the computer readable program when executed on a computer causes the computer to:”**

FarmVille discloses that “[y]our farm and the *game program* required to maintain it exist as part of a series of *online data centers* maintained by FarmVille’s publisher, Zynga.” (EX1004, 16, 11.) A POSITA would have understood that FarmVille servers include and/or execute software (*i.e.*, program) stored on a non-transitory computer-readable medium that hosts and provides the FarmVille game to users, thereby providing the recited product. (*Supra* §§IV.A.4.a, IV.A.10.a-IV.A.10.c; EX1002, ¶190.) Zynga patent discloses this. (EX1008, 17:35-59, claim 22.)

b. 20[A]-[E]

FarmVille discloses these elements. (*Supra* §§IV.A.4.b, IV.A.4.c, IV.A.4.d,

IV.A.4.e, IV.A.4.f; EX1002, ¶¶191-196.)

13. Claim 21

FarmVille discloses this claim. The '388 patent states that hosting a game on a “third-party” server is an alternative to hosting the game on “social networks.” Specifically, “[t]hese video gaming applications referenced or described here may either be hosted by an online community, for example, *one or more social networks*, or alternatively, by *third party servers that are wholly or partially dedicated to gaming applications.*” (EX1001, 6:41-45; *see also id.* 2:36-39, 11:11-24, FIG. 1.)

Consistent with the '388 patent, FarmVille discloses that *FarmVille servers* are separate from *Facebook servers*. (EX1002, ¶¶197-198.) “This farm, and the game itself, . . . exist on ‘the cloud’ of *FarmVille servers maintained by developer Zynga.*” (EX1004, 11, 16.) Further, the game can be accessed without Facebook. (*Supra* §IV.A.4.a; EX1004, 24.) Thus, a POSITA would understand that FarmVille discloses a third-party server that is separate from the Facebook servers, consistent with the '054 patent.



Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

14. Claim 22

FarmVille discloses this claim. (*Supra* §IV.A.13.) As discussed, FarmVille's video gaming environment is hosted on the third-party server. (*Supra* §IV.A.4.a; EX1002, ¶199.)

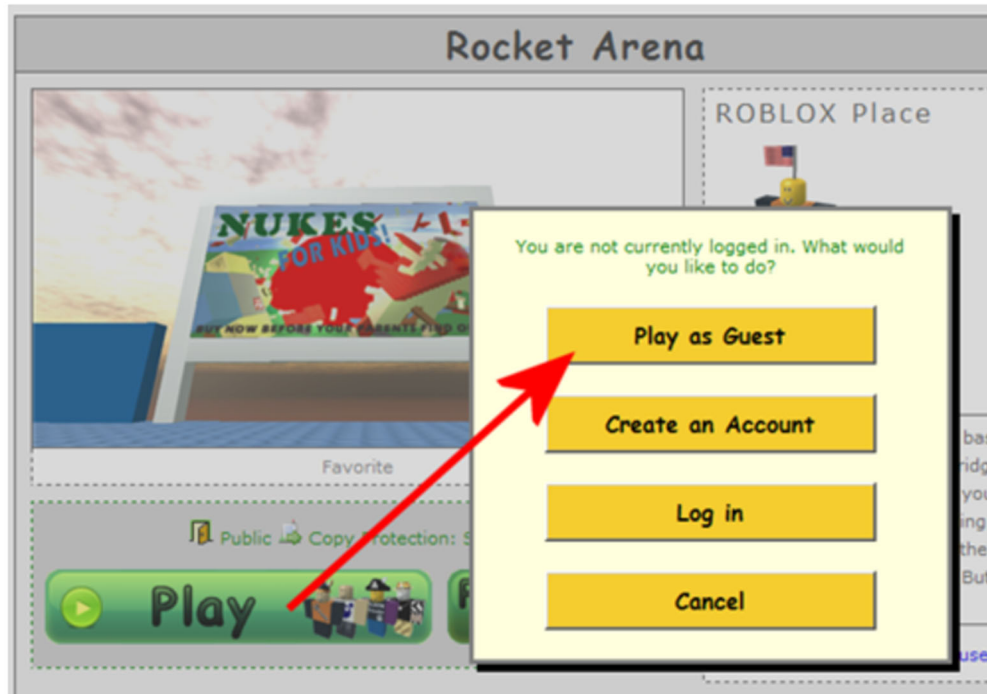
B. Ground 2: FarmVille, Zynga Patent, and Shedletsky Render Obvious Claims 4-5, 14.

1. Summary of Shedletsky

Shedletsky was published at least by March 5, 2012, and thus qualifies as

prior art under §102(a). (EX1009, 1; EX1024.) The Examiner never found, and Applicant never cited, Shedletsky during prosecution. (EX1002, ¶¶200-203.)

Shedletsky describes a “guest mode” feature of the game Roblox. “Some people want to try out ROBLOX to see if it’s any good before they take the time to make an account.” (EX1009, 1.) “Guest mode players appear in-game with the name ‘Guest ###’. They’re just like normal users, except they can only use Super Safe chat and *their stats don’t get logged from game to game.*” (EX1009, 1.)



(EX1009, 1.)

2. A POSITA would have been motivated to combine the references.

It would have been obvious to combine Shedletsky’s “guest mode” with FarmVille-Zynga, thus adding a guest mode (*i.e.*, “casual player status”) to

FarmVille. Both are related to online video games and address how users with different statuses would interact with game features. (EX1004, 7, 9, 65-71, 201-206; EX1009, 1.) They are analogous to the '388 patent, from the same field of endeavor, and relate to the same technical problems. (EX1002, ¶204.)

FarmVille requires both Facebook and Farmville accounts to play. (EX1004, 2, 19-23, 55-57.) This presents a known problem that Shedletsky solves: users may want to try an online game “before they take the time to make an account.” (EX1009, 1.) In the combination, FarmVille would allow any Facebook user to play FarmVille in a guest mode without having to create a FarmVille account. (*See* EX1004.) The guest player would have limited capabilities, for example, they may not have their own farm or save their own stats but can help on the farms of other players (*e.g.*, help with barn-raising or participate in a co-op job). (EX1002, ¶¶205-206.)

The combination would have predictably allowed broader participation in FarmVille, increased conversion of non-players into full players, and increased the entertainment value. Shedletsky expressly states “anyone who gets in-game and plays ROBLOX for 10 minutes is probably going to want to create a full account,” especially to obtain membership benefits. (EX1009, 1.) The combination would have been straightforward with a reasonable expectation of success, as FarmVille servers already track player statuses. The combination also would have been

obvious to try, as there are a finite number of access levels: full access, limited access (*e.g.*, due to role, account, payment, time), and no access. Applying Shedletsky's solution to FarmVille-Zynga would improve FarmVille in the same way. Shedletsky's known benefits would prompt its application in the same field based on design incentives/market forces. (EX1002, ¶¶207-210.)

3. Claims 4-5/14

Claim 1 is obvious in view of FarmVille-Zynga. (*Supra* §IV.A.4.) Claims 4-5, 14 are obvious in further view of Shedletsky. Shedletsky discloses an additional casual player status, "guest mode." "They're just like normal users, except they can only use Super Safe chat and their stats don't get logged from game to game." In contrast, "the benefits of membership [include] . . . having your own place, collecting the daily login bonus, and being able to customize the look of their ROBLOXian." (EX1009, 1.)

Accordingly, when a Facebook user interacts with FarmVille content items, FarmVille servers would determine the Facebook user's gameplay status (*e.g.*, whether the Facebook user has a "guest mode" account and/or is indicating a desire to play in the guest mode) and determine the influence based on that status (*e.g.*, allowing help with barn-raising). (EX1002, ¶¶211-217.)

C. Ground 3: FarmVille, Zynga Patent, and Calin Render Obvious Claims 10, 19.

1. Summary of Calin

Calin was published at least by January 14, 2010, and thus qualifies as prior art under §§102(a)/(b). (EX1024.) The Examiner never found, and Applicant never cited, Calin during prosecution. Calin is a Unigamesity.com article about FarmVille’s barn raising feature. (EX1017; EX1002, ¶¶218-219.)

2. A POSITA would have been motivated to combine FarmVille-Zynga and Calin.

Both references are documentations of the same FarmVille barn-raising feature. (EX1004, Title; EX1017.) A POSITA would have been motivated to look to Calin for details regarding the barn-raising feature. (EX1002, ¶¶220-221.) FarmVille discloses posting barn-raising requests. (EX1004, 156.) Calin teaches that a neighbor may help with a barn raising request “once per day.” (EX1017, 1.)

The combination would predictably improve FarmVille. Calin’s once-per-day restriction would prevent repetitive or excessive contributions by the same neighbor, incentivize recurring visits, and pace gameplay. It would have been obvious to try combining the references, as there were only a finite number of ways to regulate participation in collaborative social-games, including limiting the number or timing of qualifying clicks by a given user. The combination would have been straightforward and readily achievable by a POSITA with a reasonable expectation of success and improve FarmVille in the same way, as FarmVille itself

discloses imposing time-based restrictions. (*See, e.g.*, EX1004, 62, 66, 170.)

Calin's known benefits would prompt its application in the same field based on design incentives/market forces. (EX1002, ¶¶222-224.)

3. Claim 10/19

Claim 1 is obvious in view of FarmVille-Zynga. (*Supra* §IV.A.4.) Claims 10 and 19 are obvious in further view of Calin.

FarmVille discloses “[t]en of your neighbors need to click the link . . . over the next three days to complete your barn raising and expand your building’s storage.” (EX1004, 156.) Calin teaches that a neighbor may help with a barn raising “once per day.” (EX1017, 1.) Thus, FarmVille servers would apply the influence (*e.g.*, neighbor’s help) to a game item (*e.g.*, barn) based on a click and prevent the same influence (*e.g.*, the same neighbor’s help) from being applied to the game item for a day. (EX1002, ¶¶225-226.)

D. Ground 4: FarmVille, Zynga Patent, and Tweet Land Render Obvious Claims 1-22.

1. Summary of Tweet Land

Tweet Land was published at least by October 10, 2011, and thus qualifies as prior art under §102(a). (EX1005, EX1024.) The Examiner never found, and Applicant never cited, it during prosecution. (EX1002, ¶¶227-231.)

Tweet Land describes a game called Tweet Land, “one of the world’s first *video game platforms* that plays with reality, or ‘Real Time Gaming’.” (EX1005,

1.) “In the Tweet Land universe you will be able to play several *videogames* . . . A *rac*ing game . . . and an *action game*[.]” (*Id.*, 2.)



(EX1019, 2; EX1005³, 2.)

³ EX1005 is the archived version of EX1019 on Internet Archived.



(EX1019, 3; EX1005, 3.)

Tweet Land uses “real-time . . . *tweets* drawn from *Twitter*” to “trigger elements into the game.” (EX1005, 2; EX1014, 1.) “[E]very time someone in the world tweets something,” it “affect[s] the gameplay of Tweet Land by triggering certain action key-words.” (EX1005, 2; *see also* EX1014, 1.) Example action-keywords include “car accident,” “meteor,” “shooting star,” “tsunami,” “volcano eruption,” “fireflies,” “zombie,” “beach,” “love,” “hate,” “shotgun,” and “lightsaber.” (EX1005, 2; *see also* EX1011, 2 (“anyone’s tweets can affect your gameplay. The tweets used are chosen by the keywords they have.”).)

As shown below, a user (@someone) tweeted “*I just saw a huge meteor!*” In response, a meteor appears in the Tweet Land game.



(EX1010, 3.)

2. A POSITA would have been motivated to combine FarmVille-Zynga and Tweet Land.

The references all relate to using social-network activities (*e.g.*, Facebook clicks, tweets) to affect gameplay. (EX1004, 53; EX1005, 2.) They are analogous to the '388 patent, from the same field of endeavor, and relate to the same technical problem of using social-network interactions to drive/influence gameplay.

(EX1001, Abstract; EX1002, ¶232.)

In FarmVille, interactions are initiated when a user *clicks* a hyperlink or button in a Facebook post. Tweet Land discloses that social-network *comments* containing keywords can themselves trigger gameplay effects. (EX1005, 2.) A POSITA would have found it obvious to combine them such that Facebook

comments would trigger gameplay effects. For example, instead of requiring a user to *click* a hyperlink, the user can *comment* on the post to affect gameplay (e.g., “*#accept*” to accept a gift, “*#barn*” to help barn-raising). Additionally or alternatively, comments would directly cause events or environmental changes to occur (e.g., “*#meteor*” would cause a meteor event to appear in the game). (EX1002, ¶¶233-235.)

The combination would reduce disruption to users so they play FarmVille directly from the Facebook newsfeed. (EX1002, ¶236.) Reducing such navigation friction would improve usability and increase engagement with FarmVille. It would also allow any Facebook user to influence FarmVille through certain keyword comments (e.g., “meteor”), increasing virality and engagement. (See EX1005, 2 (Tweet Land allows anyone on the social network to affect the game “even if they are not playing or don’t know anything about Tweet Land.”).)

The combination would have predictably improved the responsiveness, entertainment value, social reach, and commercial appeal of FarmVille using known and compatible techniques disclosed in the prior art. The known benefits of Tweet Land would prompt its application in the same field based on design incentives and market forces. A POSITA would have been motivated to use the known comment-based interaction techniques of Tweet Land to improve FarmVille in the same way. Further, it would have been obvious to try, as there

were only a finite number of solutions to use social-network interactions to influence games, including clicks and comments. The combination is straightforward and readily achievable by a POSITA, as demonstrated by successful implementations in the field, and there would have been a reasonable expectation of success. (EX1002, ¶¶237-239.)

3. Claim 1

a. 1[PR]-1[C]

FarmVille-Zynga-Tweet Land discloses these elements. (*Supra* §§IV.A.4.a-IV.A.4.e.) In the FarmVille-Zynga-Tweet Land combination, FarmVille servers would receive the interaction (*e.g.*, Facebook comments) to parse and determine influence. (EX1002, ¶¶240-244.)

b. 1[D]&1[E]

FarmVille-Zynga-Tweet Land discloses these elements. (*Supra* §IV.A.4.f; EX1002, ¶¶245-252.)

Tweet Land includes “[a] *rac**ing game* called Route 140 and an *action game* called Love City.” (EX1005, 2; *see also* EX1014, 1.) A screenshot of Tweet Land’s two initial *videogames* is shown below.

INITIAL TWEETLAND GAMES



A race in the most
dangerous highway
of the Web

LOVEcity



Concept Art

A city where
Love and Hate
finally face-off

(EX1019, 2; EX1005, 2.)

Tweet Land discloses determining an *influence* to the video gaming environment based on the *interaction* via the social online service of the *second user*. “[E]very time *someone* in the world *tweets* something, their tweets affect the gameplay of Tweet Land by *triggering certain action-keywords*.” (EX1005, 2; *see also* EX1014, 1.) Example action-keywords include “car accident,” “meteor,” “shooting star,” “tsunami,” “volcano eruption,” “fireflies,” “zombie,” “beach,” “love,” “hate,” “shotgun,” and “lightsaber,” such that “[e]vents and gameplay are always changing.” (EX1005, 2.)

As shown, a user (@someone) tweeted “*I just saw a huge meteor!*” And a meteor appears in the Tweet Land game.



(EX1019, 2; EX1005, 2.)

It would have been obvious to combine them such that comments posted in response to Facebook posts would trigger gameplay effects (e.g., “*#accept*” to accept a gift, “*#barn*” to help barn-raising, “*#meteor*” would cause a meteor event to appear in the farm). (*Supra* §IV.D.2.)

4. Claim 2

FarmVille-Zynga-Tweet Land discloses this claim. (*Supra* §IV.D.3.a.) In the combination, the *interaction* includes a comment including a keyword.

(EX1005, 2 (the tweets “affect the gameplay of Tweet Land by triggering certain *action-keywords*.”); see also EX1014, 1; *supra* §IV.D.2; EX1002, ¶¶253-254.)

5. Claim 3

FarmVille-Zynga-Tweet Land discloses this claim. (*Supra* §IV.D.3.a.) In FarmVille-Zynga-Tweet Land, FarmVille servers would receive Facebook comments, analyze keywords as taught by Tweet Land (*e.g.*, “meteor”), determine gameplay influences, and modify the FarmVille gaming environment. (*Supra* §IV.D.2; EX1002, ¶255.)

6. Claims 4-9

FarmVille-Zynga-Tweet Land discloses claims 4-5 and 7-9 at least because FarmVille discloses them. (*Supra* §§IV.A.5-IV.A.9.) (EX1002, ¶¶256-258, 260-262.)

Additionally, regarding claim 5, Tweet Land discloses that anyone can tweet to affect the game “even if they are ***not playing*** or don’t know anything about Tweet Land.” (EX1005, 2.) In the combination, a Facebook user without a FarmVille account can use the types of keywords taught in Tweet Land (*e.g.*, meteor) to affect the game, although they may not use other keywords (*e.g.*, #accept to accept a gift) because they do not have a FarmVille account. This user discloses an additional “casual player” or “non-player.” (EX1002, ¶258.)

Regarding claim 6, it would have been obvious that, responsive to the commentor being a non-player (*e.g.*, a Facebook user who can view the post), FarmVille servers would apply the influence (*e.g.*, meteor) to a game item (*e.g.*, farm) associated with the first user because the commentor himself does not have a

farm. (EX1002, ¶259.)

7. Claims 10/19

FarmVille-Zynga-Tweet Land discloses these claims. (*Supra* §IV.D.2; EX1002, ¶¶263-265, 287.)

Further, Zynga patent discloses a game where “the super power weapon is cast *only one time within a predefined amount of time* (e.g., within the combat mode or within 24 hours of the attack.” (EX1008, 14:35-37, 14:48-50.)

It would have been obvious to combine the references, for example, to prevent repeated appearances of meteors on a farm or to prevent frequent updates to FarmVille game items (e.g., Gift Box, barn-raising progress). This would impose a steadier pace to the gameplay and reduce spam-like activities. (EX1002, ¶¶266-270, 287.)

8. Claim 11

FarmVille-Zynga-Tweet Land discloses claim 11. (*Supra* §§IV.A.10, IV.D.2; EX1002, ¶¶271-279.)

9. Claims 12-18

FarmVille-Zynga-Tweet Land discloses claims 12 (*supra* §IV.D.4), 13 (*supra* §IV.D.5), and 14-18 (*supra* §IV.D.6). (EX1002, ¶¶280-286.)

10. Claims 20-22

FarmVille-Zynga-Tweet Land discloses claim 20 (*supra* §§IV.A.12,

IV.D.2), 21 (*supra* §IV.A.13) and 22 (*supra* §IV.A.14). (EX1002, ¶¶288-296.)

E. Ground 5: Barclay '019 Renders Obvious Claims 1-8, 11-17, and 20-23.

1. Summary of Barclay '019

Barclay '019 was filed on March 2, 2012, and thus qualifies as prior art under §102(e). (EX1006, 1.) The Examiner never found, and Applicant never cited, Barclay '019 during prosecution. (EX1002, ¶¶297-302.)

Barclay's system "control[s] and reward[s] gaming-related socialization." (EX1006, 1:24.) Barclay '019 provides a *video gaming environment*. Referring to FIG. 3 (below), a wagering game machine "can present wagering games, such as *video poker, video black jack, video slots, video lottery*" (EX1006, 22:25-27.)

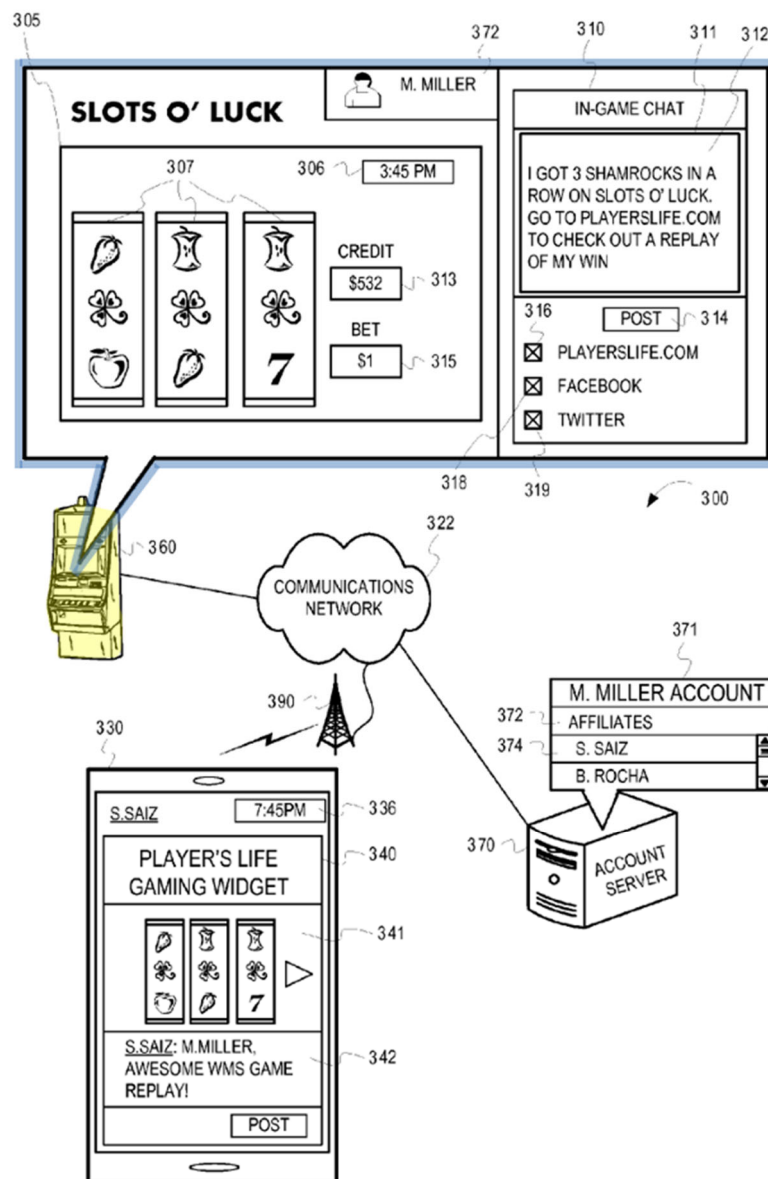


FIG. 3

From the wagering machine, “*player [M. Miller]* can receive a specific gaming result (e.g., a random result of *three shamrocks in a row* . . .)” and publish it along with a message “to one or more *social networking venues* (e.g., to *Playerslife.com*, to *Facebook.com*, to *Twitter.com*, etc.)” (EX1006, 9:40-44,

9:48-52.) Referring to FIG. 3, the **gameplay result** was posted on **Playerslife**, as shown on **S. Saiz**'s mobile device. In Barclay, "gaming widget" refers to "an application on a webpage [] of a social network website (e.g., Facebook.com). . . ." (EX1006, 13:4-8.)

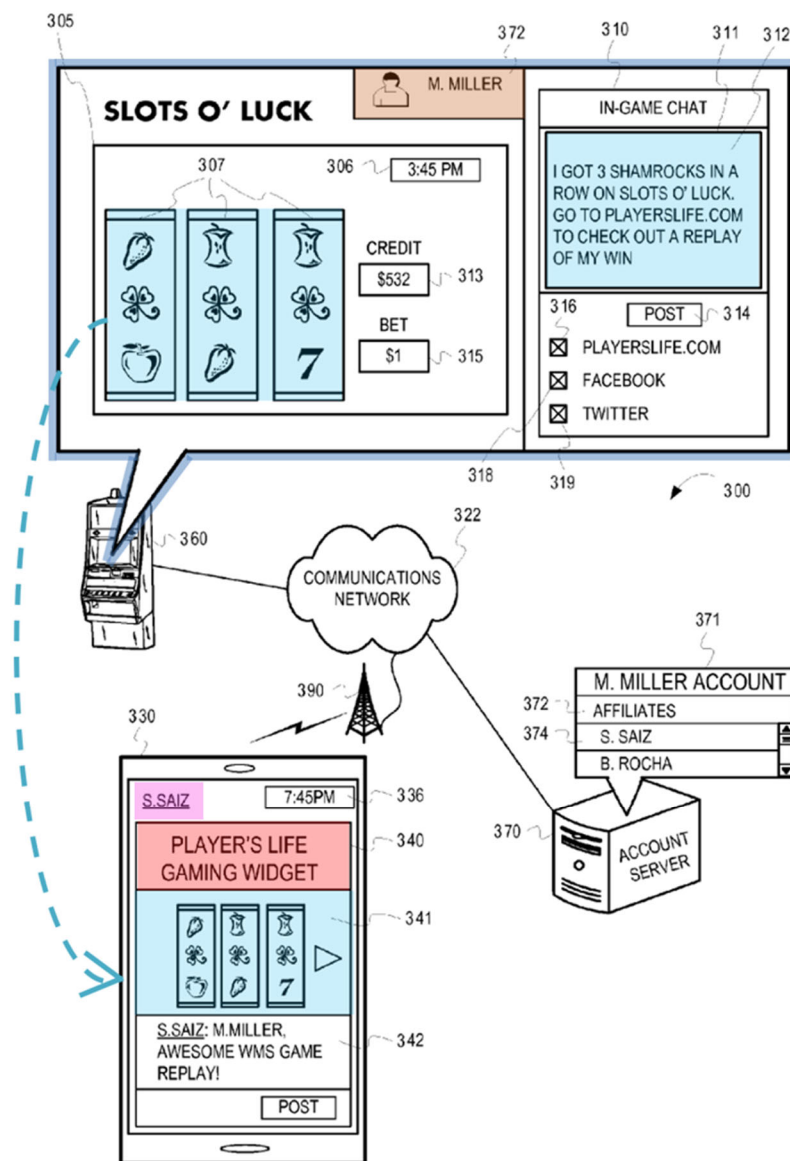


FIG. 3

Further, “*social contact of the first user (e.g., a second user, S. Saiz[])*”
“posts a *comment 342*” to the *published gameplay result*. (EX1006, 10:1-11.)
“The *comment 342* includes the key phrase 132C (i.e., the phrase ‘WMS game
replay’). The server 150, for example, may *award* the *second user* . . . for the
usage of the key phrase 132C.” (EX1006, 10:11-15.) Thus, Barclay ’019 *modifies*
the gaming environment based on the *comment*.

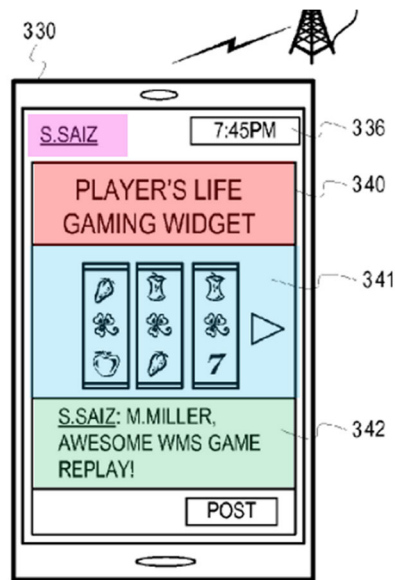


FIG. 3

(Excerpt of FIG. 3.)

Barclay ’019 discloses numerous other ways social-network interactions
(e.g., *comments, clicks, views*) can *affect the game*. For example, “if enough users
click on the post of *the message 312* . . . the first user may ‘*re-win*’ the *wagering
game win*.” (EX1006, 10:31-34.) Further, “[t]he server 150 can track a number of
times that other users *activate* the *link 111* and visit the website” and “*award*

points[.]” (*Id.*, 5:18-21.) Moreover, “the first user *receives a bonus reward in the wagering game 305 and/or receives an award of points* . . . because . . . a sufficient number of affiliates, such as S. Saiz, *viewed* the *game replay 341*).” (*Id.*, 10:26-30.)

Barclay '019 discloses a *gaming server* performing the operations above. Referring to FIG. 1, “*server 150* can parse the message [] and search for first phrases (e.g., words or combinations of words) that match . . . key words or phrases, as indicated in a *list 130*.” (EX1006, 3:32-36.)

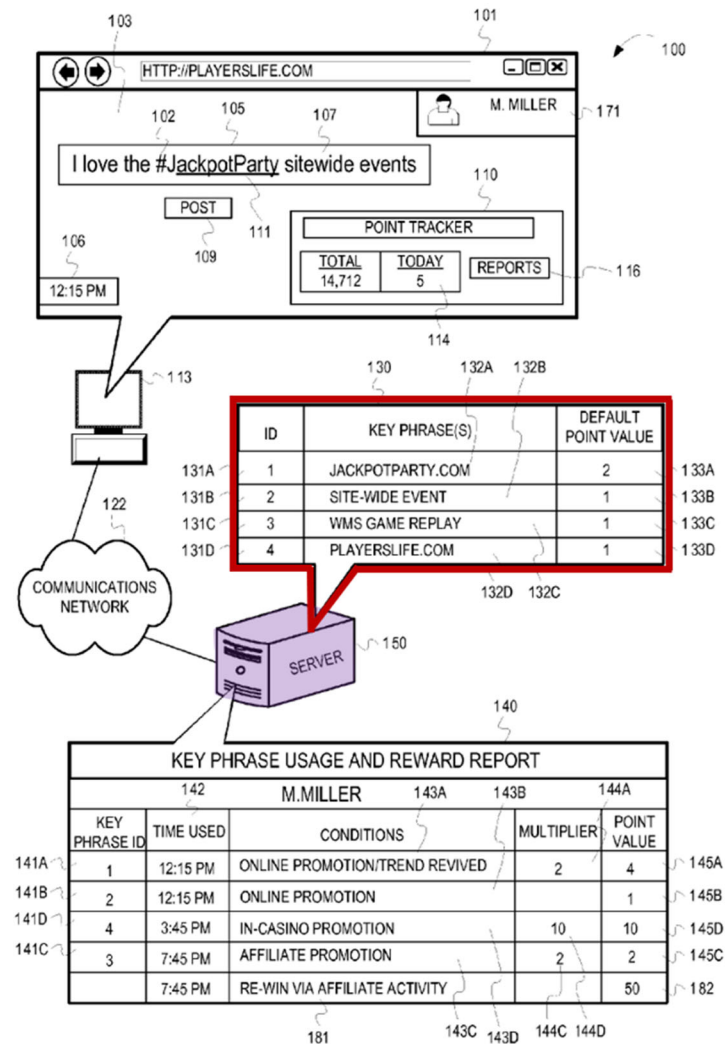


FIG. 1

2. Claim 1

a. 1[PR]: “A computer-implemented method for providing a *video gaming environment* hosted on a *server* to one or more users, comprising:”

Barclay '019 discloses this element. (EX1002, ¶¶303-307.) FIG. 3 shows “wagering game machine 360” that “present[s] wagering games, such as *video poker, video black jack, video slots, video lottery*” to a user (“M. Miller”).

(EX1006, 9:12-13, 22:25-27; *see also id.*, 23:20-22, 19:17-31, 1:39-42.)

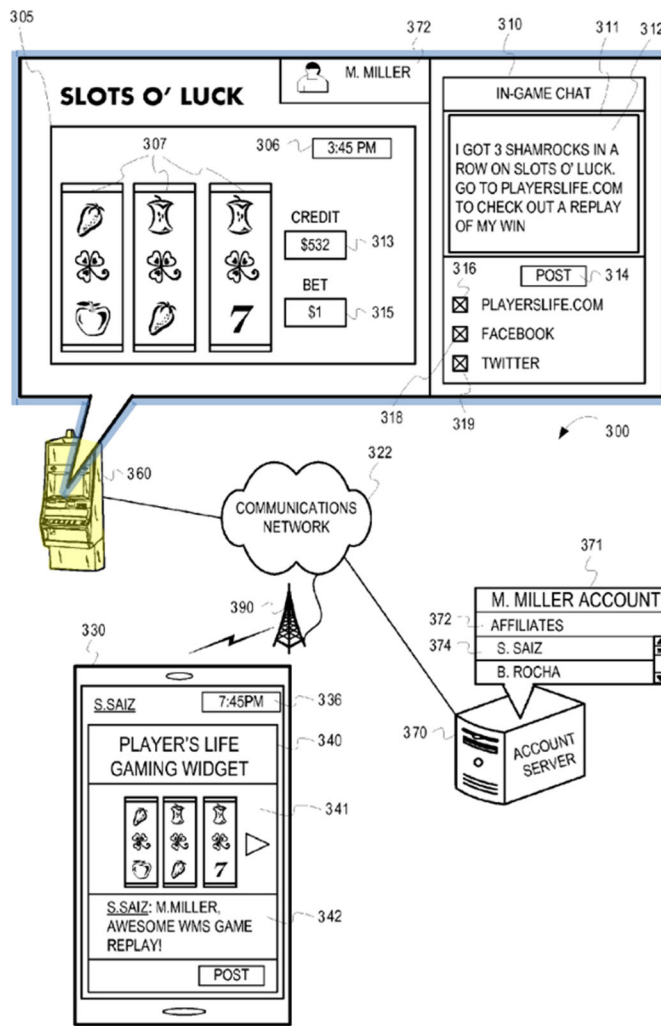


FIG. 3

Barclay's *video gaming environment* is hosted on a *server*. “[W]agering *game* machine 360 . . . communicate[s] with, and or receive[s] communications with, a *gaming server*, such as with the *server 150 described in FIG. 1*.” (EX1006, 9:19-24, 2:57-64.)

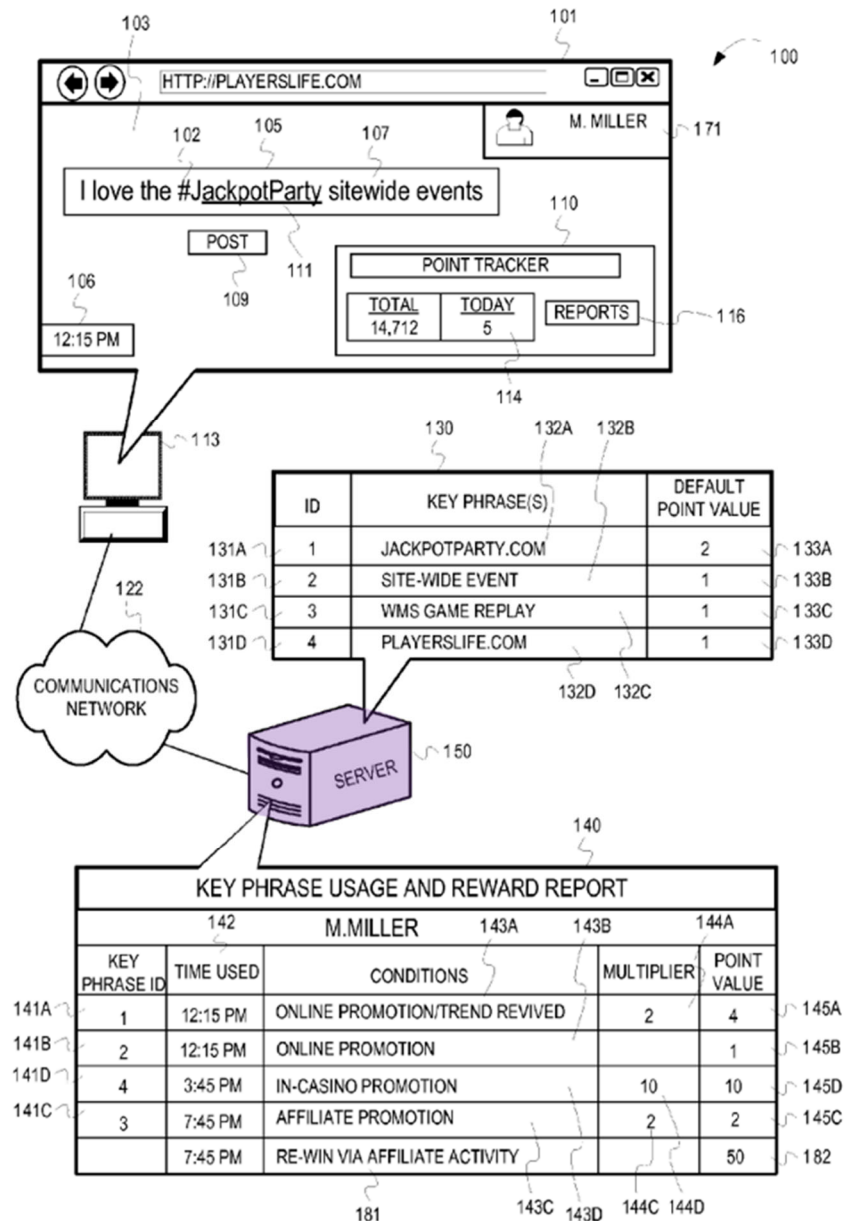


FIG. 1

For more details, FIG. 8 provides the architecture diagram including “*wagering game server 850* configured to control wagering game content, provide random numbers, and communicate wagering game information, account information, and other information to and from a client 860.” (EX1006, 15:3-18;

see also id., 15:18-37, 19:17-31.) Additionally or alternatively, Barclay’s video games can also be hosted on “*web server 890* configured to control and present an online website that hosts wagering games.” (*Id.*, 18:35-19:1.)

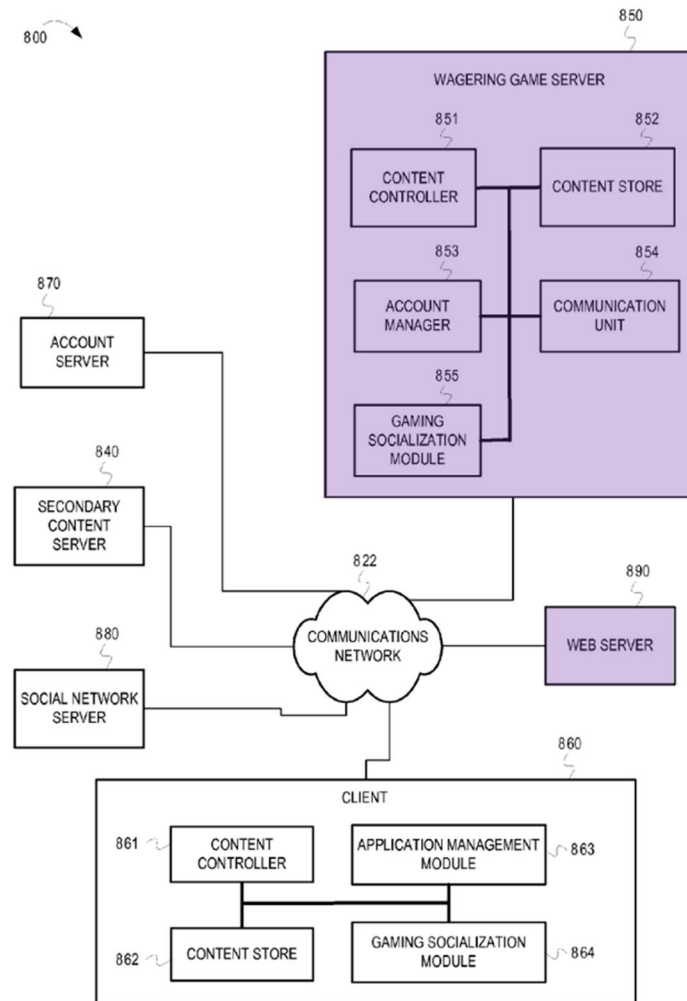


FIG. 8

Barclay ’019 discloses “computer-implemented method[s]” for performing its operations. (*See, e.g.*, EX1006, claims 1-6, 21, 24, 20:24, 23:16; EX1002, ¶307.)

- b. 1[A][1]: “providing access to the video gaming environment, by the server, to the one or more users via one or more user devices,”

Barclay '019 discloses this element. (EX1002, ¶¶308-312.) First, “wagering game machine 360” in FIG. 3 is a *user device* that provides access to the *video gaming environment* to a user. (See EX1006, 9:33-36; *supra* §IV.E.2.a.)

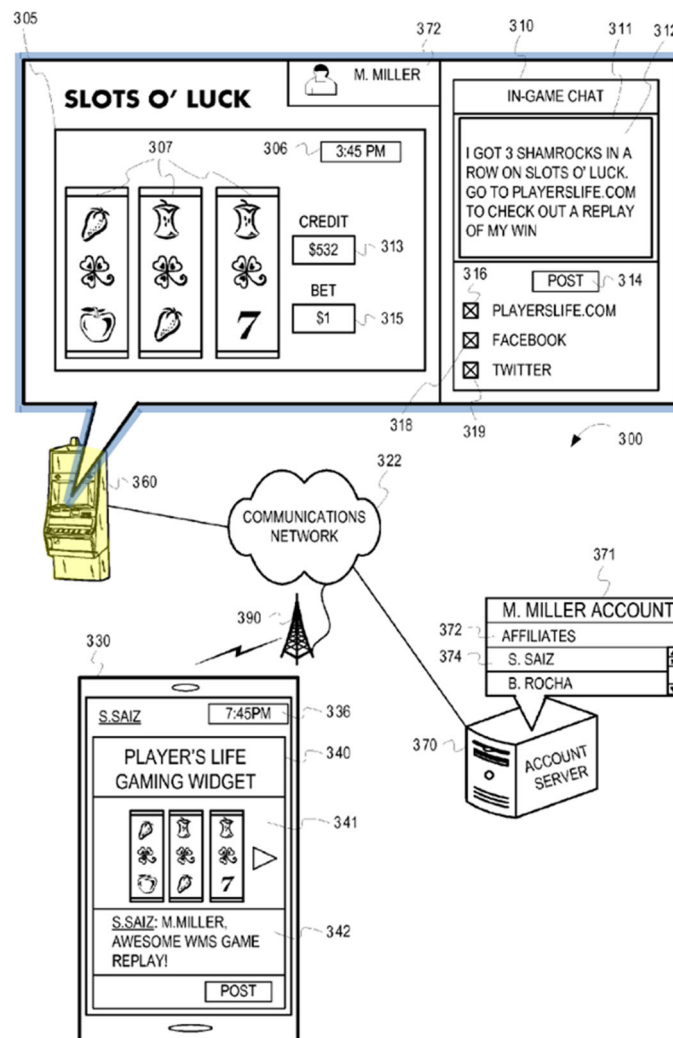


FIG. 3

The system architecture diagram in FIG. 8 shows the *user device*, specifically, “*client 860* configured to present wagering games.” (EX1006, 15:39.)

“The client 860 can be a computer system, a personal digital assistant (PDA), a cell phone, a laptop, a wagering game machine,” etc. (EX1006, 15:38-45; *see also id.* 19:8-16, 19:50-24:54, FIGS. 9-12.)

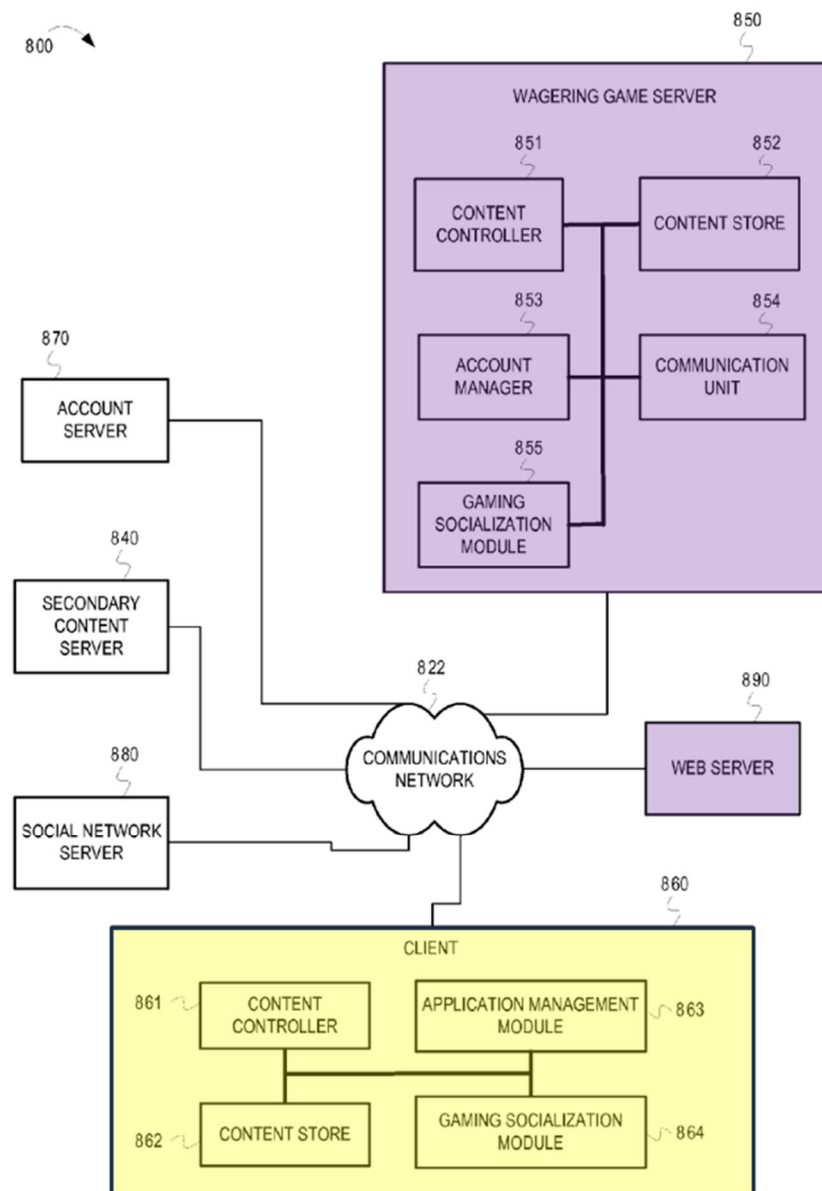


FIG. 8

Barclay '019 discloses providing access to the *video gaming environment*, by the *server*. “The *wagering game server 850* can . . . manage and control

content for the presentation of content on the *client 860*. . . The *wagering game server 850* can also . . . communicate information to the client 860 and to communicate with other systems, devices and networks.” (EX1006, 15:3-37; *supra* §IV.E.2.a; *see also* EX1006, 19:24-28 (“the *wagering game server* can perform functions such as determining game outcome or managing assets, while the clients can present a graphical representation of such outcome or asset modification to the user (e.g., player).”), 9:21-22.)

c. 1[A][2]: “the one or more user devices including a user interface configured to display the video gaming environment;”

Barclay '019 discloses this element, as shown in FIG. 3. “The user can login to the *wagering game machine 360* . . . and play the *wagering game 305*” (EX1006, 9:33-34.) “The *wagering game 305* may be a slot game that includes reels 307, a bet meter 315, a credit meter 313, etc.” (*Id.*, 9:32-33; *see also id.*, 15:7-10, 15:38-39, 15:45-52; 15:63-16:4, 16:52-55; EX1002, ¶¶313-316.)

d. 1[B]: “transmitting, by the server, a *content item* to a *social online service*, the content item representing an event associated with a *first user* in the video gaming environment;”

Barclay '019 discloses this element. First, Barclay '019 discloses a *content item* representing an event associated with a *first user*. In FIG. 3, “*player [M. Miller]* can receive a specific gaming result (e.g., a random result of *three*

shamrocks in a row via a combination of symbols on the reels 307). In response to the gaming result, an in-game chat application 310 automatically inserts a *message 312* into a message area 311 of the in-game chat application 310. The *message 312* describes the gaming activity.” (EX1006, 9:40-47.) Both the *gameplay result* and *message 312* are *content items* representing an event associated with a *first user* (*i.e.*, M. Miller) in the game. (EX1002, ¶318.)

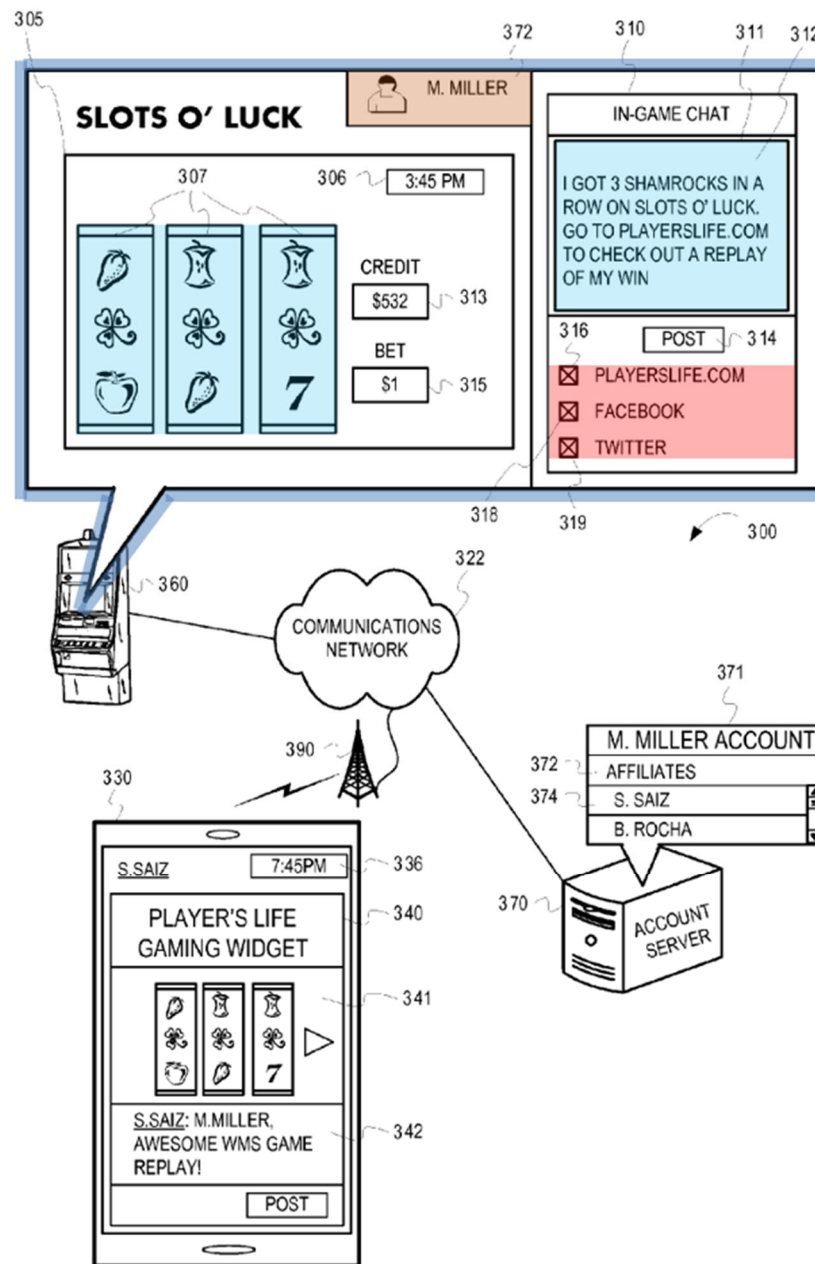


FIG. 3

Barclay '019 discloses a *social online service*. FIG. 3 shows social online services (e.g., *PlayersLife.com*, *Facebook*, *Twitter*) that players can post the content items to. *PlayersLife.com* is a “social networking website.” (EX1006, 2:67; see also *id.*, 6:26-31; EX1002, ¶¶319.)

Barclay '019 discloses *transmitting* the *content item* to the *social online service*. FIG. 3 shows that the *gameplay result* (three shamrocks in a row) is transmitted to *social network server* such that it can be displayed on “social network website” *Player’s Life*. (EX1006, 10:4, 13:5; EX1002, ¶320.)

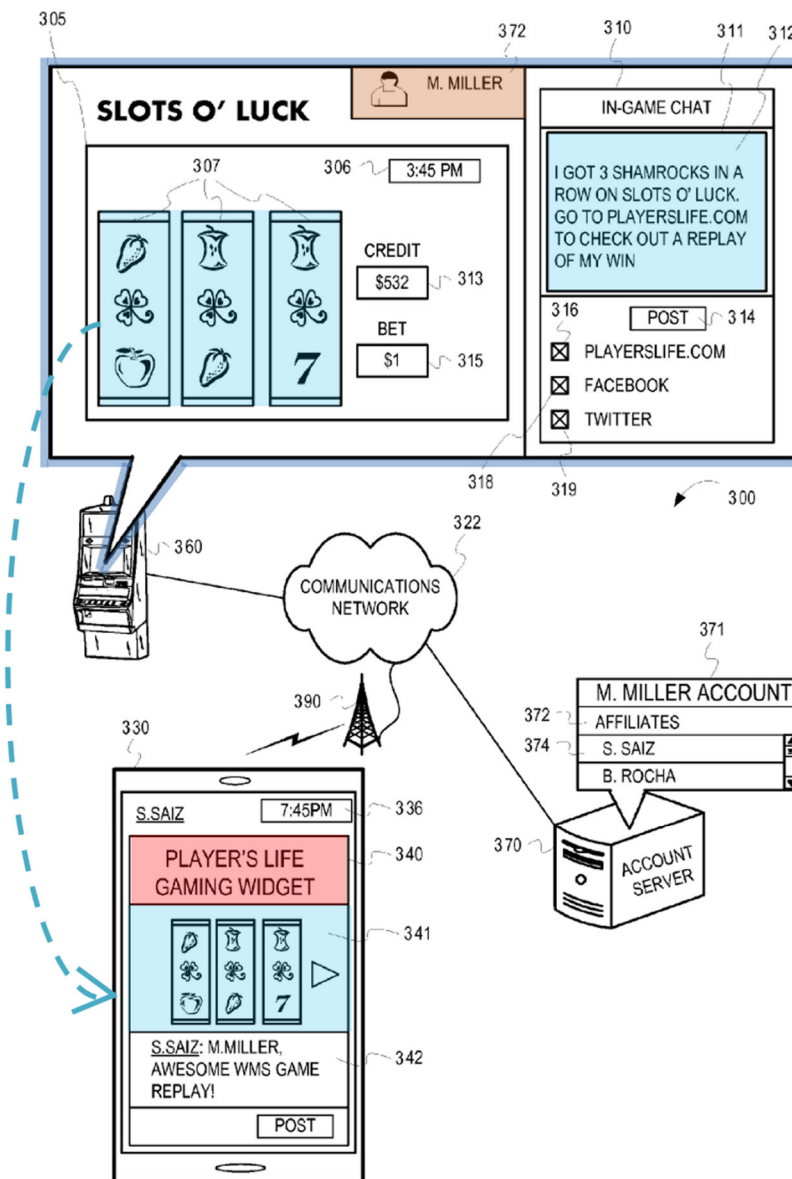


FIG. 3

The other *content item*, message 312, is also transmitted to the social online

service. “A player can activate the post control 314 (e.g., via button press, via touch-screen, etc.) which *publishes* the *message 312* to one or more *social networking venues* (e.g., to *Playerslife.com*, to *Facebook.com*, to *Twitter.com*, etc.)” (EX1006, 9:48-54; *see also id.*, 3:1-24; EX1002, ¶321.)

Barclay '019 discloses or at least suggests that transmission of the *content item* to *social online service* is by Barclay's *server*. Barclay's *social network server* includes *Facebook* and *Twitter*, which are operated separately from Barclay's wagering games (operated by WMS Gaming, Inc.). (EX1006, 6:27-30, 9:51-52, FIG. 3.) It would have been obvious that Barclay '019's *wagering game server 850* would *transmit* the *content items*, generated by the wagering game, to *social network servers* (e.g., *Facebook servers or Twitter servers*) to publish. (EX1002, ¶¶323-324.)

Indeed, FIG. 8 shows *wagering game server 850* and *social network server 880*. The *wagering game server 850* can “generate game results” and “track activities performed via player input including . . . *social communication publishing, . . . sharing status*, etc.,” while *social network server 880* “publish[es] (e.g., post, broadcast, etc.) a message to a mass.” (EX1006, 15:8-11, 17:8-12, 18:17-33; *see also id.*, 2:64-3:14, 6:33-44; *supra* §§IV.E.2.a-IV.E.2.c.)

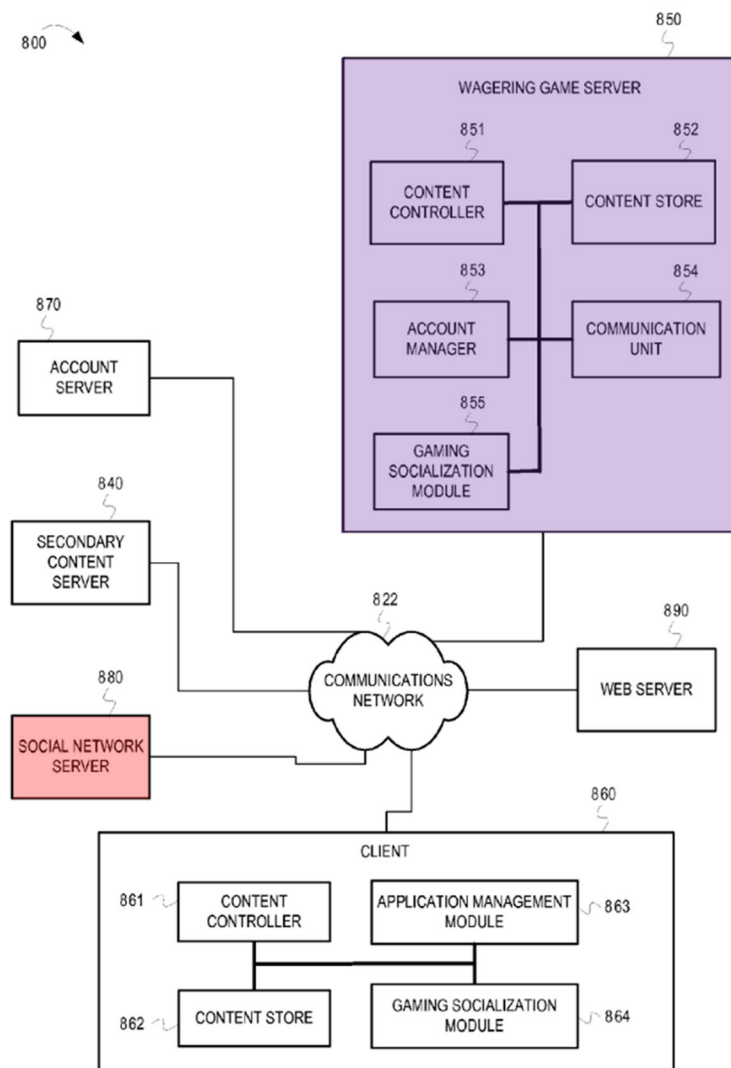


FIG. 8

Thus, a POSITA would understand that the *wagering game server 850* (1) has the *content items* because it determines the *wagering game results* and tracks player inputs to enter *social communications* and (2) *transmits* the *content items* to *social network server 880* to publish. (EX1006, 18:57-59 (“[e]ach component shown in the wagering game system architecture 800 is shown as a separate and distinct element connected via a communications *network* 822.”); EX1002, ¶¶324-

327.)

Barclay '019 states that its architecture is flexible and that “*wagering game server 850* can also be configured to perform functions of . . . the *social network server 880*” (EX1006, 18:60-65.) In that configuration, it would have been obvious to a POSITA that *wagering game server 850* would transmit the *content item* to its component corresponding to the *social network server 880*, which publishes the social post. (EX1002, ¶328.)

- e. 1[C]: “receiving, by the server, an *interaction* via the *social online service* of a *second user* with the *content item* on the social online service;”

Barclay '019 discloses this element via numerous examples. (EX1002, ¶¶329-334.) First, a *second user* can *comment* on the *gameplay result*, shown in FIG. 3. “[*S*] *second user* views a replay of *the player's achievement* (e.g., *S. Saiz* views at 7:45 PM, as indicated by the clock 336, the replay 341) and *posts a comment 342*” (EX1006, 10:1-11.)

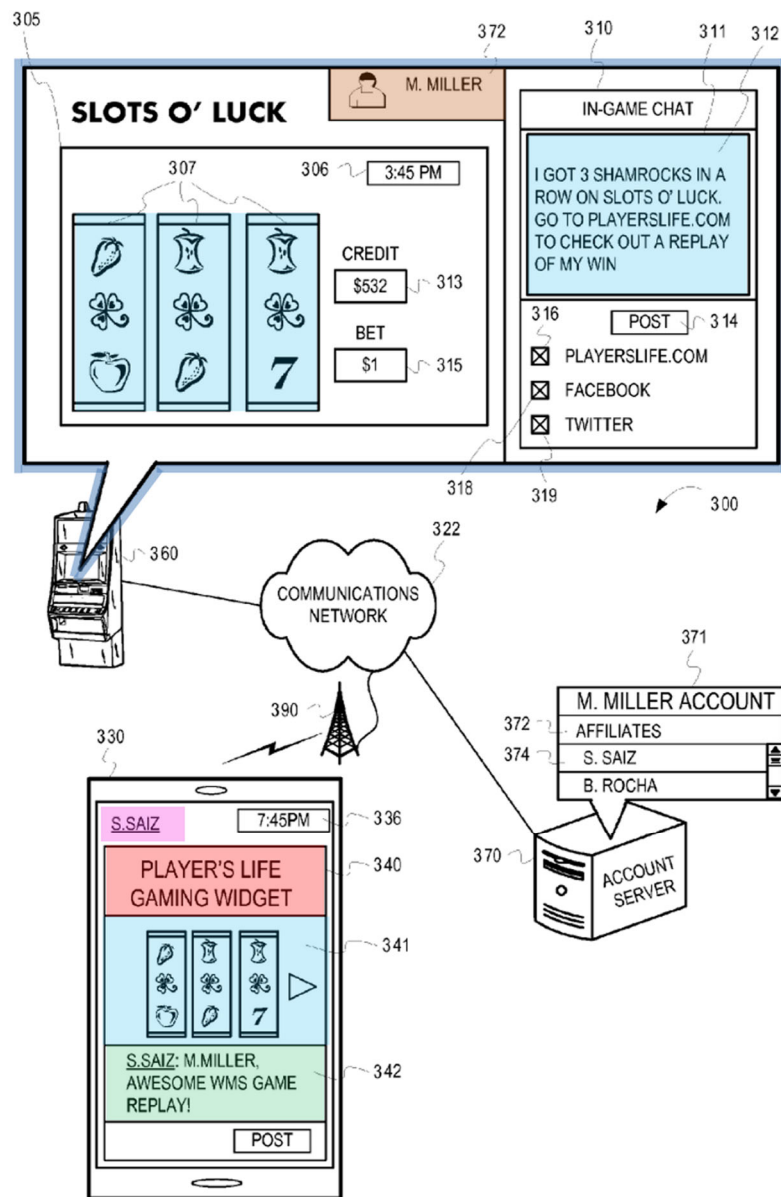


FIG. 3

As a second example, a *second user* can *click* on the *message 312*. “[I]f enough *users click on the post of the message 312* . . . the first user may ‘re-win’ the wagering game win.” (EX1006, 10:30-35.)

As a third example, a *second user* can *activate* a *link* in a social post. “[S]erver 150 can detect that *a link 111 included in the message 107* is *activate* by

users . . . The server 150 can track a number of times that other users *activate* the *link 111* and visit the website.” (EX1006, 5:14-25.) While this description corresponds to FIG. 1, it would have been obvious to a POSITA that this description equally applies in FIG. 3 (e.g., a link is embedded in Miller’s social post in FIG. 3 and the server would track its activation). (EX1006, 9:19-22, 9:8-12 (“FIG. 3 helps illustrate some examples of embodiments described in FIG. 2, and also refers back to FIG. 1.”).)

As a fourth example, a *second user* can *view gameplay result*. “The *second user views* a replay of the *player’s achievement* (e.g., *S. Saiz views* at 7:45 PM, as indicated by the clock 336, the replay 341) and posts a comment 342 (e.g., via the post control 343).” (EX1006, 10:8-12.) Barclay ’019 states that “the server 150 may also provide an additional reward because the second user *viewed* the gaming replay 341.” (EX1006, 10:24-26.)

- f. **1[D]: “determining, by the server, an *influence* to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service;”**

Barclay ’019 discloses this element. (EX1002, ¶¶335-342.) In the first example, the interaction is a *comment* on *gameplay result*, as shown in FIG. 3. (*Supra* §IV.E.2.e.) Based on the appearance of keywords in the *comment* (“*interaction*”), Barclay’s *server* determines an *amount of reward points*

(“*influence*”) to first and second users. “The *comment 342* includes the key phrase 132C (i.e., the phrase ‘WMS game replay’). The *server 150*, for example, may award the second user (e.g., via user account 374) *the default point value 133C for the usage of the key phrase 132C.*” (EX1006, 10:8-16; *see also id.*, Abstract, 10:16-23, 6:58-63, 3:32-40, 3:49-58, 4:21-67, 6:55-7:49.)

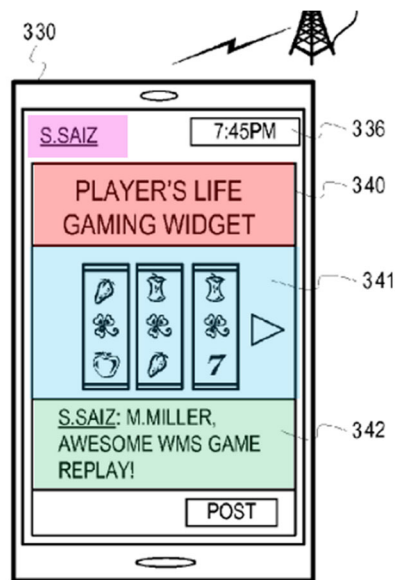


FIG. 3

(Excerpt of FIG. 3.)

Barclay '019 discloses many conditions associated with a *comment* (“*interaction*”) that can be analyzed by the server to determine *amount of reward points* (“*influence*”), for example, “that the promotional expression is substantially similar to a word or phrase stored in a key phrase library,” “that the promotional expression is submitted via a specific website,” “that the message is published within a specific time period,” “that the one of the plurality of key phrases causes a

topic to trend upward for the social networking website/application,” etc.

(EX1006, 7:34-49; *see also id.*, 8:5-9:7, 7:32-34.)

In the second example, the interaction is a *click* on *message 312* by the second user. (*Supra* §IV.E.2.e.) “[I]f enough users *click on* the post of *the message 312* . . . the first user may ‘*re-win*’ the *wagering game win*.” (EX1006, 10:30-35.) It would have been obvious that the influence is determined by the server.

In the third example, “the *server 150* can detect that *a link 111 included in the message 107* is *activate* by users (e.g., affiliated users, total users, a combination, etc.). The link 111 is to an online gaming venue, such as Jackpotparty.com®. The *server 150* can track a number of times that other users *activate* the *link 111* and visit the website. The sever 150 can *award points that vary in value based on the number of activated links to the online gaming venue*” (EX1006, 5:14-25.)

In the fourth example, the interaction is *viewing* of the *gameplay result* by the second user. (*Supra* §IV.E.2.e.) “[T]he *server 150* may also provide an *additional reward* because the second user *viewed* the gaming replay 341. For instance the first user receives a *bonus reward* in the wagering game 305 and/or receives an *award of points* (e.g., wins a total award value 182 in the report 140 in FIG. 1, because the condition 181 indicated that a sufficient number of affiliates,

such as S. Saiz, *viewed* the *game replay 341*)." (EX1006, 10:24-30.)

- g. 1[E]: "and *modifying*, by the server, the video gaming environment based on the influence."

Barclay discloses this element. (EX1002, ¶¶343-349.) In the first example, based on the appearance of keywords in the *comment* ("*interaction*"), Barclay '019's *server* determines the *amount of reward points* ("*influence*") and *rewards* first and second users accordingly ("*modifying video gaming environment*"). "The *server 150*, for example, may *award* the second user (e.g., via user account 374) *the default point value 133C for the usage of the key phrase 132C*." (EX1006, 10:11-15, 10:16-22.)

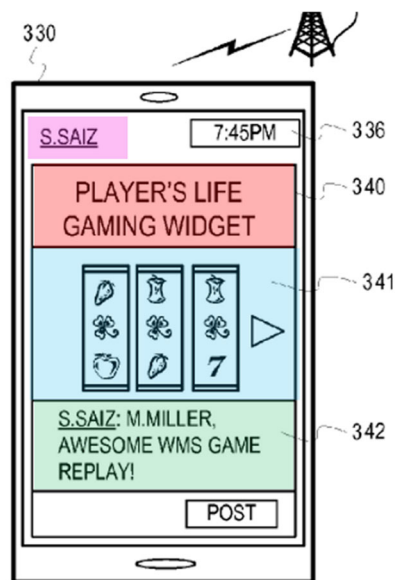


FIG. 3

(Excerpt of FIG. 3.)

Barclay '019 discloses many types of awards for "promotion expressions/key phrases." (EX1006, 7:50-65.) Specifically, "*the awards can be*

in-session encouragement, benefits, content, displays, etc. For instance, the system can *indicate a user's promotional efforts via a meter or a leaderboard*. In some embodiments, *the awards are persistent objects, such as virtual assets (e.g., trophies, accomplishments, etc.) or a number of points (e.g., loyalty or achievement points)* associated with a wagering game venue.” (EX1006, 7:50-65; *see also id.*, 3:59-4:67, 7:32-34, 13:62-14:26.)

In the second example, “if enough users *click on* the post of *the message 312*, . . . the first user may *‘re-win’ the wagering game win*. Further, the users who register to see a post of the message 312 can possibly *‘win’ that win value* that the first user won, or *win* some *other award (e.g., additional points)*.” (EX1006, 10:30-38.)

In the third example, “[t]he *server 150* can track a number of times that other users *activate* the *link 111* and visit the website. The *server 150* can *award points that vary in value based on the number of activated links to the online gaming venue . . .*” (EX1006, 5:15-25; *supra* §IV.E.2.e.)

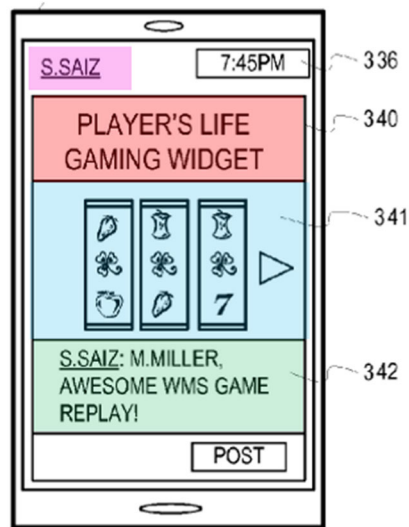
In the fourth example, “the *server 150* may also *provide* an *additional reward* because the second user *viewed* the *gaming replay 341*. For instance the first user *receives* a *bonus reward* in the wagering game 305 and/or receives an *award of points* (e.g., *wins* a total award value 182 in the report 140 in FIG. 1, because the condition 181 indicated that a sufficient number of affiliates, such as S.

Saiz, *viewed* the *game replay 341*.” (EX1006, 10:24-30.)

Barclay '019 discloses that all the modifications above are done by the *wagering game server 850* and/or *web server 890*. For example, “the *wagering game server* can perform functions such as determining game outcome or managing assets[.]” (EX1006, 19:24-26.) Further, “[t]he *web server 890* can further be configured to award player activity” (EX1006, 18:51-56; *see also id.*, 15:3-37, 18:34-56, 19:17-31.)

3. Claim 2

Barclay '019 discloses this claim. (*Supra* §IV.E.2; EX1002, ¶¶350-351.) Referring to FIG. 3, the *interaction* of the *second user (S. Saiz)* with the *content item (replay 341)* includes a *comment*: “M. MILLER AWESOME WMS GAME REPLAY!” (*Supra* §IV.E.2.e.) Further, “[t]he *comment 342* includes the *key phrase* 132C (i.e., the phrase ‘WMS game replay’).” (EX1006, 10:11-13.)



(Excerpt of FIG. 3.)

4. Claim 3

Barclay '019 discloses this claim. (*Supra* §IV.E.2; EX1002, ¶¶352-355.)

“The **comment 342** includes the **key phrase 132C** (i.e., the phrase ‘WMS game replay’). The **server 150**, for example, may award the second user (e.g., via user account 374) **the default point value 133C** for the usage of the **key phrase 132C**.” (EX1006, 10:11-15.)

Referring to FIG. 1, each key phrase is pre-associated with award values in **list 130**. (EX1006, 3:49-58.) “[T]he **server 150** can parse the message [] and search for first phrases . . . that match . . . key words or phrases, as indicated in a **list 130**.” (EX1006, 3:32-36.)

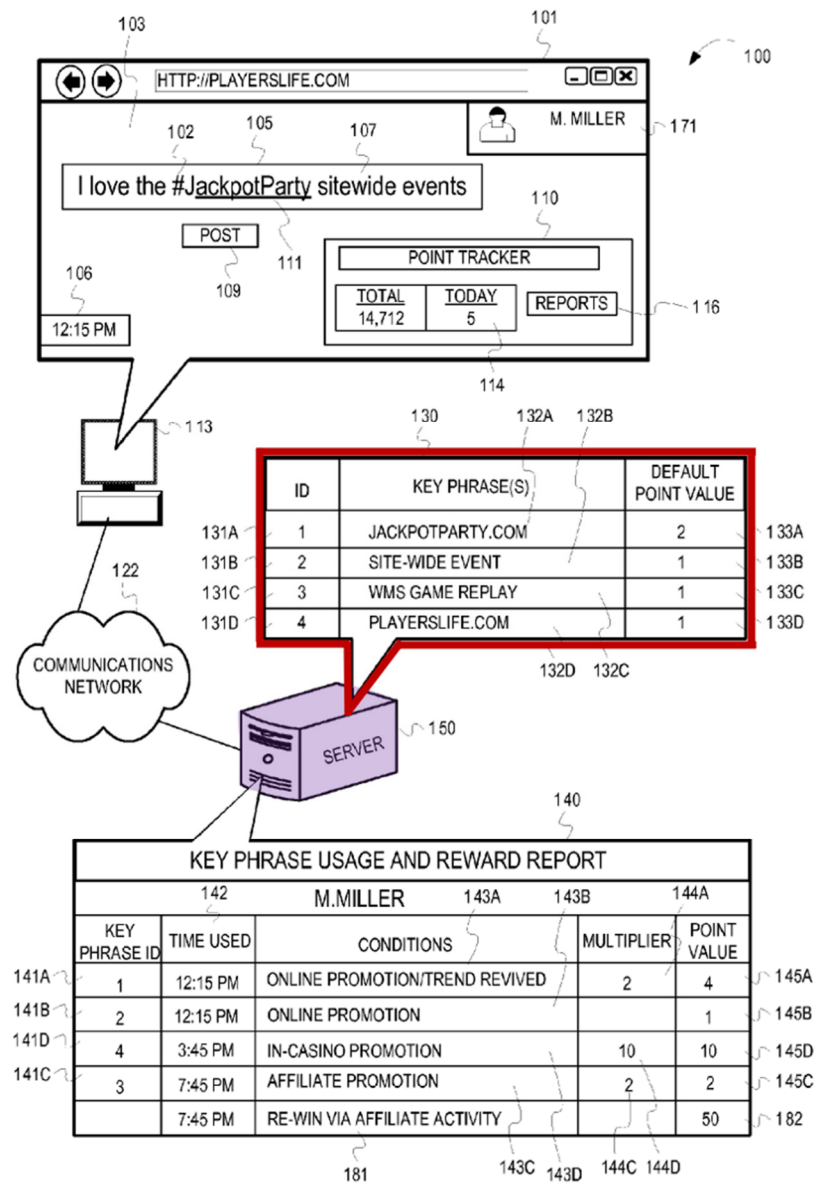


FIG. 1

5. Claim 4

Barclay '019 discloses this claim. (*Supra* §IV.E.2; EX1002, ¶356.) As discussed below, depending on whether the second user is a *player* or *non-player*, Barclay '019 determines the award differently. (*Infra* §§IV.E.6-IV.E.8.)

6. Claim 5

Barclay '019 discloses this claim. (EX1002, ¶¶357-358.) In FIG. 3, M. Miller has *core player status* because he plays the wagering game. S. Saiz has *casual player status* (or alternatively a non-player) because he does not play the wagering game but views/comments on the game replay to receive game points. (*Supra* §IV.E.2.) Further, Barclay '019 discloses a *casual player status* called a “bankrolling player” who does not actively play: “a player sitting at a wagering game machine bank can offer a certain amount of points to win if another player, at the bank, hits a specific gaming event” (EX1006, 13:45-52.) Barclay '019 further discloses a *non-player status*—a user who does not yet have a player account. (*Infra* §IV.E.7.)

7. Claim 6

Barclay '019 discloses this claim. (EX1002, ¶¶359-362.) “The *first user* receives *a form of benefit* because of the *second user*’s activity. . . . The affiliate relationship can be a result of efforts that the *first user* performed to entice the *second user* to register for, and obtain, a player account for a social networking venue or a wagering game venue.” (EX1006, 5:8-15.) In other words, if the *second user* (*i.e.*, a non-player) registers for a player account for the game (*e.g.*, by activating a link in a post), Barclay '019 would *apply the influence to a game item* (*i.e.*, increment the count of awards) of the *first user*. (*See id.*, 5:50-51 (“a ‘player

account’ represents the player at a computerized level.”.)

Similarly, “if the *user* refers a *friend* to sign-up as a member, then the system can go down the chain of referral sign-ups, along with any individuals that the referral members signed up, with each successive level of the signup chain *adding to award values*.” (EX1006, 8:64-9:7; *see also id.*, 8:56-63, 10:30-38.)

8. Claim 7

Barclay ’019 discloses this claim. Barclay ’019 determines that a gameplay status associated with the *second user* is a *player* status. “The system can detect that the message is associated with a *player account*.” (EX1006, 6:33-34; *see also id.*, claim 7.) In FIG. 3, “[t]he server 150, for example, may award the *second user* (e.g., via *user account 374*) *the default point value 133C* for the usage of the key phrase 132C.” (EX1006, 10:1-23.) It would have been obvious that the *second user, S. Saiz* is determined to be a player before being awarded. (EX1002, ¶363.) His account information is saved in the account server. (*See id.*, 14:55-56 (“account server 870 can store player account information”).) A POSITA would have found it obvious that awarding the second user discloses application of the influence (e.g., incrementing count) to a game item (award) associated with the second user. (EX1002, ¶363.)

9. Claim 8

Barclay ’019 discloses this claim. (EX1002, ¶364.) Barclay ’019 provides a

reward to the *first user* in the video gaming environment. Referring to FIG. 3, “server 150 may also provide an additional reward because the second user *viewed* the gaming replay 341. For instance the *first user* receives a bonus reward in the wagering game 305 and/or receives an award of points (e.g., wins a total award value 182 in the report 140 in FIG. 1, because the condition 181 indicated that a sufficient number of affiliates, such as S. Saiz, *viewed* the game replay 341). In some embodiments, if enough users *click* on the post of the message 312, or if the first user can get enough other users to *register* for an online account to see the posted message 312, the *first user* may ‘re-win’ the wagering game win.” (EX1006, 10:24-35; *see also id.*, 8:64-9:7.)

10. Claim 11

a. 11[PR]

Barclay ’019 discloses a system for hosting and providing a video gaming environment to one or more users. (EX1002, ¶365.) Barclay ’019 discloses “a wagering game system (‘system’)” that performs its operations. (EX1006, 2:60, 6:23-29, 9:12; *see also id.*, Abstract, FIG. 8, claim 11; *supra* §IV.E.2.a.)

b. 11[A]

Barclay ’019 states that its system comprises “one or more processors.” (EX1006, claim 11; *see also id.*, 19:50-60, 19:61-20:2, FIG. 9; EX1002, ¶366.)

c. 11[B]

Barclay '019 states that its system comprises “one or more memory storage devices configured to store instructions, which when executed by at least one of the one or more processors, cause the system to perform operations to” perform the limitations of claim 11. (EX1006, claim 11; *see also id.*, 19:50-20:35, FIG. 9; *supra* §IV.E.2; EX1002, ¶367.)

d. 11[C]-[G]

Barclay '019 discloses these elements. (*Supra* §§IV.E.2.b-IV.E.2.g; EX1002, ¶¶368-373.)

11. Claims 12-17

Barclay '019 discloses claims 12 (*supra* §IV.E.3), 13 (*supra* §IV.E.4), 14 (*supra* §IV.E.5), 15 (*supra* §IV.E.7), 16 (*supra* §IV.E.8), and 17 (*supra* §IV.E.9). (EX1002, ¶¶374-379.)

12. Claim 20

a. 20[PR]

Barclay '019 discloses this preamble. Barclay '019 discloses “[o]ne or more non-transitory, machine-readable storage media having instructions stored thereon, which when executed by a set of one or more processors causes the set of one or more processors to perform operations.” (EX1006, claims 17-20, 22; *see also id.*, 19:50-20:35; *supra* §IV.E.2.) A POSITA would have found it obvious that Barclay '019 discloses a computer program product. (EX1002, ¶380.)

b. 20[A]-[E]

Barclay '019 discloses these elements. (*Supra* §§IV.E.2.b-IV.E.2.g; EX1002, ¶¶381-386.)

13. Claims 21, 22

Barclay '019 discloses this claim.

Consistent with the '388 patent (*supra* §IV.A.13), Barclay '019's FIG. 8 shows that its *wagering game server* is “separate and distinct” from its *social network server*. (EX1006, 18:58.) Further, a POSITA would have found it obvious that the *wagering game server* of Barclay '019 (assigned to WMS Gaming, Inc.) would be implemented as a separate server from *Facebook* servers and *Twitter* servers discussed in Barclay '019. (EX1002, ¶¶387-389.)

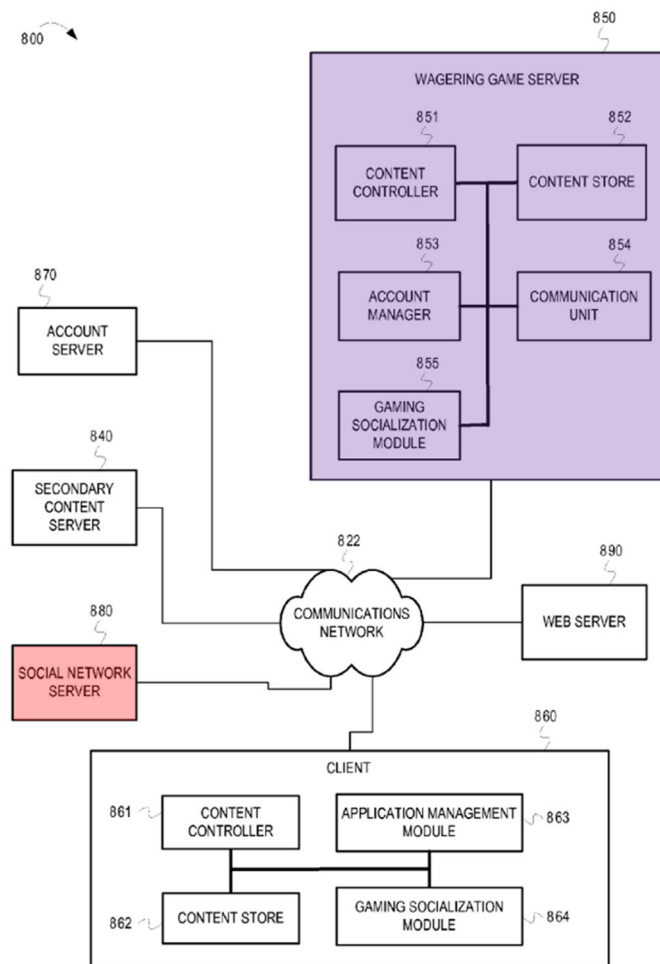


FIG. 8

14. Claim 23

Barclay '019 discloses this claim. Barclay '019 states that “*wagering game server 850* can also be configured to perform functions of . . . the *social network server 880*. . . .” (*Id.*, 18:60-65; *see also id.*, 18:34-47.) Thus, the same Barclay '019 server can host both the *video gaming environment* and the *social online service*. Further, “[t]he web server 890 can host an online wagering website and/or a social networking website.” (EX1006, 18:34-47; EX1002, ¶¶390-391.)

F. Ground 6: Barclay '019 and Barclay '363 Render Obvious Claims 1-8, 11-17, and 20-23.

1. Summary of Barclay '363

Barclay '363 was filed on March 29, 2012, and thus qualifies as prior art under §102(e). (EX1007, 1.) Barclay '363 was listed in an IDS by Applicant. (EX1003, 148.) The Examiner did not apply Barclay '363 in the Office Actions. (EX1002, ¶¶392-393.)

Barclay '363 discloses additional ways that a video game environment can be *modified* based on social-network *interactions*. For example, “instructions indicated in friend accounts' *comments* can ...specify what the wagering game player account should do during the wagering game session” and the system can “*enforce the results of the vote (e.g., authorize the wagering game machine to bet for the wagering game player account based on audience vote).*” (EX1007, [0083]; EX1002, ¶393.)

2. A POSITA would have been motivated to combine Barclay '019 and Barclay '363.

It would have been obvious to combine the Barclay references. They were filed by the same applicant, share multiple inventors, share similar system architectures and user devices, and address the same problem of increasing player engagement through social-network activity in wagering games. (EX1006, Abstract, 2:40-56, 14:50-19:46, FIGS. 8-12; EX1007, Title, Abstract, [0041],

[0052]-[0061], FIGS. 2, 6-8; EX1002, ¶¶394-395.)

Barclay '019 itself discloses claim 1. But to the extent claim 1 requires additional gaming environment modifications beyond Barclay '019's reward mechanisms (not conceded), the combination discloses this. (EX1002, ¶396.) The combination would perform Barclay '019's operations and additionally *“affect [and] control” the gameplay* as taught by Barclay '363, such as controlling bets based on comments and embedding social-network content into gameplay. (EX1007, [0083].)

Barclay '019-Barclay '363 would predictably provide a more dynamic and entertaining game environment where social-network interactions directly affect how the game looks/plays. This would encourage greater user engagement, consistent with the goal of both references. (EX1006, Abstract, 2:40-56; EX1007, Title, Abstract, [0041].) The known benefits of Barclay '363 would prompt its application in the same field based on design incentives and market forces and improve Barclay '019 in the same way. (EX1002, ¶¶398-400.)

It also would have been obvious to try combining the references, as there were only a finite number of ways to use social-network activities to influence games, including awarding points, displaying content, or affecting gameplay mechanics. Both references disclose compatible server architectures and user devices, and Barclay '019 already disclosed parsing and analyzing social-network

comments. (*See, e.g.*, EX1006, 14:50-19:46, FIGS. 8-12; EX1007, [0052]-[0061], FIGS. 2, 6-8.) The combination would have been straightforward and readily achievable by a POSITA with a reasonable expectation of success. Prior art such as Barclay '363 has successfully demonstrated that direct gameplay control provides improved user experience, and there would have been a reasonable expectation of success for combining the two references. (EX1002, ¶401.)

3. Claim 1

a. 1[PR1]-1[A][2]

Barclay '019 discloses these elements. (*Supra* §§IV.E.2.a-IV.E.2.c; EX1002, ¶¶402-404.)

b. 1[B]

The combination discloses this element. (*Supra* §§IV.E.2.d, IV.F.2; EX1002, ¶¶405-407.) Barclay '363 discloses a *content item* representing an event associated with a first user is *transmitted* by the server to the *social online service*. FIG. 4 of Barclay '363 shows a *content item* representing an event (winning of 500 credits) associated with a first user ("Amy S.") is *transmitted* to the *social online service* ("FACEPAGE"). "The system 400 *transfers* a *message of the win* to the *social network server 480*" (EX1007, [0067]; *see also id.*, [0070] ("the system can indirectly connect to the social networking website by *sending instructions* to a *social network server* to post the social networking

message”).)

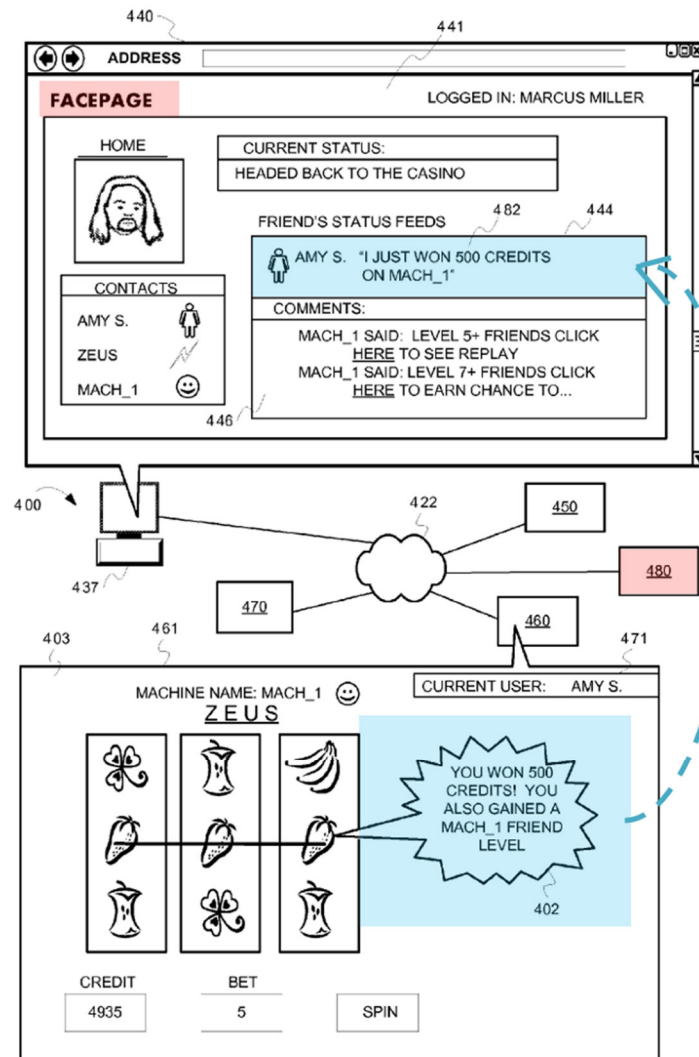


FIG. 4

Further, the content item is transmitted by *gaming server* to *social network server*. Referring to FIG. 2, Barclay '363 discloses that *wagering game server* “generate[s] game results (e.g., win/loss values), including win amounts.” (EX1007, [0053].) Moreover, “[t]he *wagering game server* 250 can control communications between the wagering game player account and a connected

social network account” (Id., [0057]; see also id., [0008], [0078].)

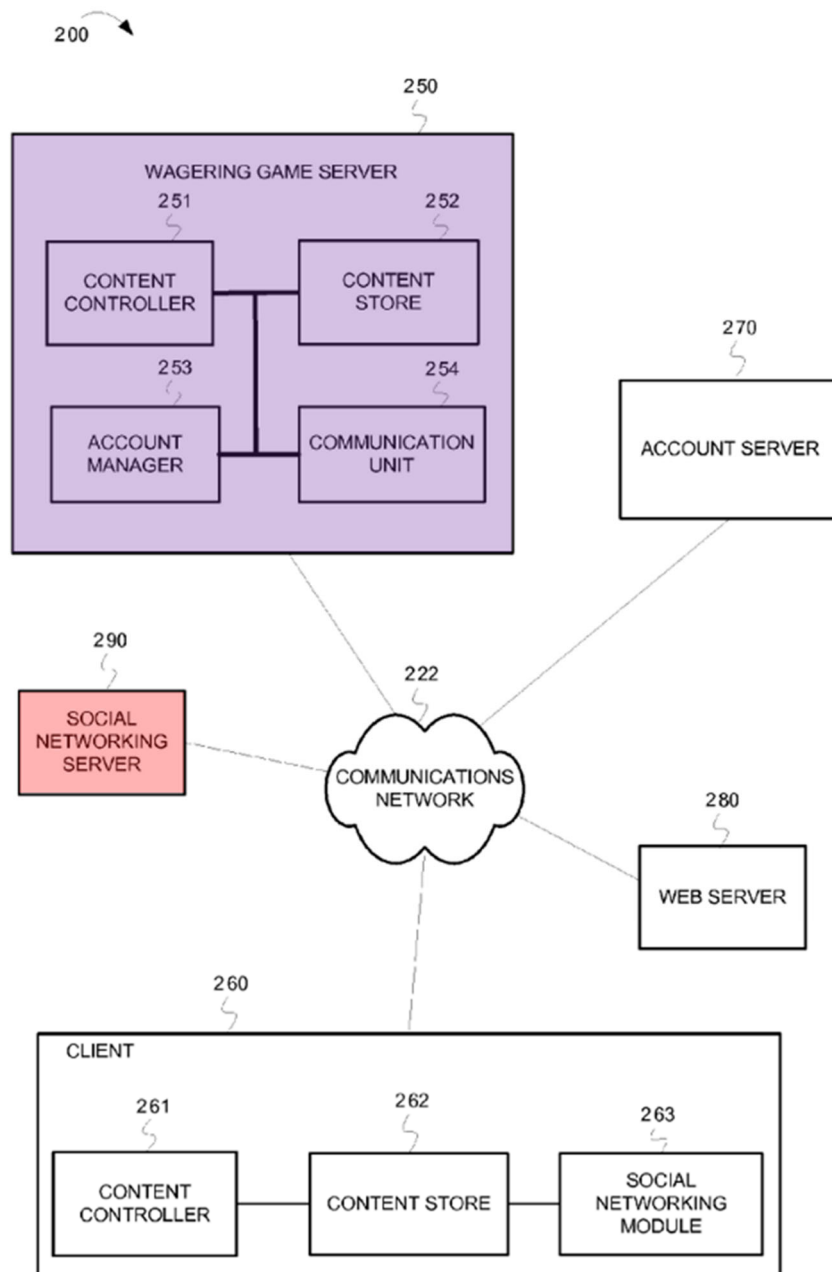


FIG. 2

c. 1[C]

The combination discloses this element. (*Supra* §§IV.E.2.e, IV.F.2;

EX1002, ¶408.) In Barclay '363, “the system can receive *comments* [on the *social networking message*] from *social networking contacts* associated with the social network account” (EX1007, [0072].) Further, “the system can monitor the player-owned social network account for *social networking communications* from one or more social-contact-owned social network accounts (*‘friend accounts’*) associated with the player-owned social network account.” (*Id.*, [0082].)

It would have been obvious that the interaction is received by the server (*i.e.*, “*wagering game server*”). (*Supra* §§IV.E.2.e, IV.F.2; EX1002, ¶409.)

d. 1[D]

The combination discloses this element. (*Supra* §§IV.E.2.f, IV.F.2; EX1002, ¶¶410-413.) “[T]he system can use instructions indicated in *friend accounts' comments* to *influence* a gaming effect during the wagering game player account's wagering game session. In some embodiments, instructions indicated in friend accounts' comments can indicate *likes, dislikes, preferences, or some other voting feature related to the wagering game session that would specify what the wagering game player account should do during the wagering game session (e.g., vote for the player to bet more, vote for the player to bet more lines, vote for the player to select a specific item, vote for the player to stop a reel at a certain time, etc.)*.” (EX1007, [0083])

Additional exemplary interactions that cause the system to determine an

influence to the video gaming environment and modify the environment accordingly is discussed below. (*Infra* §IV.F.3.e.)

It would have been obvious that the interaction is received by the server (*i.e.*, “*wagering game server*”). (*Supra* §§IV.F.2, IV.E.2.d.)

e. 1[E]

The combination discloses this element. (*Supra* §§IV.E.2.g, IV.F.2; EX1002, ¶¶414-419.) Barclay ’363 discloses *modifying*, by the *server*, the video gaming environment based on the *influence*.

In a first example, “the system can use social networking activity by friend accounts to *affect or control* the wagering game player account” (EX1007, [0083.]) “For example, the system can use instructions indicated in *friend accounts' comments* to *influence* a *gaming effect* during the wagering game player account's wagering game session. In some embodiments, instructions indicated in friend accounts' *comments* can indicate . . . *voting feature related to the wagering game session that would specify what the wagering game player account should do during the wagering game session* . . . The system can *present the results of the vote on a display on a wagering game machine* In some embodiments, the wagering game player account can authorize the system to *enforce the results of the vote (e.g., authorize the wagering game machine to bet for the wagering game player account based on audience vote)*.” (EX1007,

[0083].)

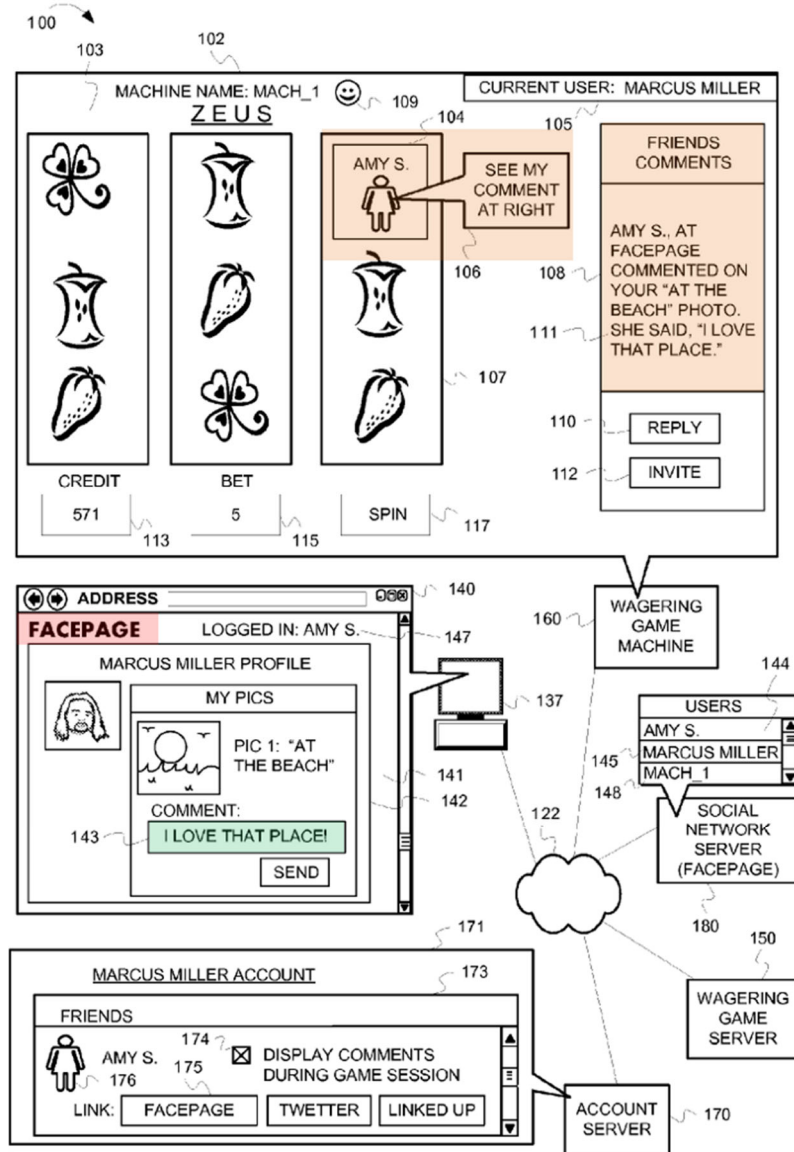
Second, “if a social-contact-owned social network account (i.e., a *friend account*) makes a *comment* for the player-owned social network account, the system can *make the friend account eligible to be integrated into the game or be eligible for some reward*. If the friend account also owns a wagering game player account, the system can *make the friend account's player account eligible to receive rewards on the wagering game network*.” (EX1007, [0084].)

Thirdly, “[t]he system can *provide rewards to the wagering game player account (e.g., a promotion, a privilege, etc.)* based on an amount of *social networking communication* received by *friend accounts* during the wagering game session. For example, the system can *present a stacked wilds feature, which grants the wagering game player account eligibility for more wilds* based on the amount of *social networking activity* (e.g., for every ten friend account comments, the system makes the wagering game player account eligible for another wild). In another example, the system can *provides opportunities for a player to increase their chances of receiving a bonus reward or performing better in a bonus game or a wagering game (e.g., a better chance of continuing a cascade, a better chance of getting a multiplier, etc.)* based on an amount of *social networking communications* by *friend accounts*.” (EX1007, [0085].)

Fourthly, Barclay ’363 *displays the social-network activity (e.g., comments)*

in the game. “[T]he system determines *social networking activity* performed by one or more *social-contact-owned social network accounts*, which are linked to the player-owned social network account, and *presents the social networking activity on the wagering game machine* during the wagering game session. . . .

The system can *format the social networking communication for presentation on the wagering game machine, and present the communication on the wagering game machine* (see FIG. 1 for an example of the system 100 presenting the comment feature 143 by the social network account 144 on the comment application 108 on the wagering game machine 160). In some embodiments, the system can *present the social networking communication as part of the wagering game.*” (EX1007, [0082].) It would have been obvious that the *social networking activity* includes *comments* to a social-network post, such as one about gameplay.



Similarly, “the system can receive *comments* from *social networking contacts* associated with the social network account and communicate the comments to the wagering game network to *present on a wagering game machine associated with the wagering game session*. In another example, the system can *incorporate the comments into the wagering game (e.g., present the comments*

on the reels, include images of social networking contacts who made the comments, etc.). Additionally, the system can *reward friends for commenting.*” (EX1007, [0072].)

4. Claims 2-8, 11-17, and 20-23

The combination discloses these claims at least because Barclay '019 discloses these claims. (*Supra* §§IV.E.3-IV.E.14; EX1002, ¶¶420-437.)

Additionally, regarding claim 5, anyone can comment on the post to affect the game, with or without a gaming account. (EX1007, [0083].) These commenters can be mapped to either non-players or casual players. (EX1002, ¶423.)

Regarding claim 6, Barclay '363 states that “if a social-contact-owned social network account (i.e., a *friend account*) makes a *comment* for the player-owned social network account, the system can *make the friend account eligible to be integrated into the game. . . .*” (EX1007, [0084].) A POSITA would have understood that integrating a friend account into the game involves applying an influence to a game item (*e.g.*, account list, game GUI) with the first user. (EX1002, ¶424.)

Regarding claim 7, Barclay '363 states that “[i]f the friend account also owns a wagering game player account, the system can *make the friend account's player account eligible to receive rewards on the wagering game network.*”

(EX1007, [0084]; EX1002, ¶426.)

Regarding claims 21-22, Barclay '363 states that “the social networks can be hosted by social network servers separate from, and/or external to, the wagering game network.” (EX1007, [0066]; *see also id.*, [0057]; EX1002, ¶¶434-435.)

V. NOTICES AND STATEMENTS

Pursuant to 37 C.F.R. § 42.8(b)(1), Twitch Interactive, Inc., Amazon.com Services LLC, and Amazon.com, Inc. are the real party-in-interest for Petitioner.

Pursuant to 37 C.F.R. § 42.8(b)(2), Petitioner identifies the following related matters.

- *CP Studios, LLC v. Twitch Interactive, Inc.*, No. 1:25-cv-1542, (D. Del.)
- *CP Studios LLC v. Twitch Interactive, Inc.*, No. 1:26-cv-571, (D. Del.)

Pursuant to 37 C.F.R. § 42.8(b)(3), Petitioner identifies the following counsel (and a power of attorney accompanies this Petition).

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Pursuant to 37 C.F.R. § 42.8(b)(4), service information for lead and back-up counsel is provided above. Petitioner consents to electronic service by email to Twitch_CPStudios_IPRs@mofo.com.

Pursuant to 37 C.F.R. § 42.104(a), Petitioner certifies that the '388 patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this Petition.

The USPTO is authorized to charge any required fees, including the fee as set forth in 37 C.F.R. § 42.15(a) and any excess claim fees, to Deposit Account No. **03-1952**, referencing Docket No. **78194-00000.84**.

IPR2026-00397
Patent No. 10,632,388

Dated: June 29, 2026

Respectfully submitted,

By /s/ Alex S. Yap

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Registration No.: 60,609

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Certification of Word Count (37 C.F.R. § 42.24)

I hereby certify that this Petition for *Inter Partes* Review has 13,974 words (as counted by the “Word Count” feature of the Microsoft Word™ word-processing system), exclusive of “a table of contents, a table of authorities, mandatory notices under § 42.8, a certificate of service or word count, or appendix of exhibits or claim listing.”

Dated: June 29, 2026

By /s/ Alex S. Yap
Alex S. Yap

IPR2026-00397

Patent No. 10,632,388

Certificate of Service (37 C.F.R. § 42.6(e)(4) and 42.205(a))

I hereby certify that the attached Petition for *Inter Partes* Review and supporting materials were served as of the below date by UPS, which is a means at least as fast and reliable as Priority Mail Express®, on the Patent Owner at the correspondence address indicated for U.S. Patent No. 10,632,388:

Patent Law Works, LLP
4516 South 700 East, Suite 290
Salt Lake City, UT
UNITED STATES

Dated: June 29, 2026

/s/ Alex S. Yap
Alex S. Yap