

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. 11,731,054

Inter Partes Review No. IPR2026-00414

**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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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
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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
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A.D. Smock, <i>et al.</i> , “Facebook as a toolkit: A uses and gratification approach to unbundling feature use”, Vol. 27, Issue 6, Computers in Human Behavior 2322 (2011), available at https://www.dhi.ac.uk/san/waysofbeing/data/communication-zangana-smock-2011.pdf	EX1025

Claims Listing

Claim	<u>Limitation #</u>	Limitation
1	1[PR]	A computer-implemented method using a plurality of computing devices in a cloud computing network, the method comprising:
	1[A]	providing access to a video gaming application operated in the cloud computing network to the plurality of computing devices;
	1[B][1]	enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network,
	1[B][2]	the first computing device participating in the first gameplay via a first gaming platform;
	1[C][1]	enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network,
	1[C][2]	the second computing device participating in the second gameplay via a second gaming platform;
	1[D]	receiving one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application;
	1[E]	determining an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service; and

Claim	<u>Limitation #</u>	Limitation
	1[F]	modifying one of the first gameplay and the second gameplay of the video gaming application based on the influence.
2	2	The computer-implemented method of claim 1, wherein a gaming platform is one of a mobile device, a game console, a social network messaging application, and a social website.
3	3[A]	The computer-implemented method of claim 1, wherein the first gameplay and the second gameplay are a shared gameplay that is shared across the first computing device and the second computing device by a first player and a second player, respectively, and
	3[B]	wherein the first computing device is a personal computer and the second computing device is a mobile device.
4	4	The computer-implemented method of claim 3, wherein the first player and the second player have different levels of capability in the shared gameplay.
5	5	The computer-implemented method of claim 1, wherein the first gameplay and the second gameplay are a shared game played by a same player via different platforms.
6	6	The computer-implemented method of claim 1, wherein the first gameplay and the second gameplay are different games played by different players via a same gaming platform.
7	7	The computer-implemented method of claim 1, wherein the first gameplay and the second gameplay are different games played by different players via a different gaming platform.

Claim	<u>Limitation #</u>	Limitation
8	8	The computer-implemented method of claim 1, wherein game content in the first gameplay and the second gameplay is platform agnostic.
9	9	The computer-implemented method of claim 1, wherein the video gaming application is linked with the social network service that enables users of the video gaming application to send text-based posts.
10	10	The computer-implemented method of claim 1, wherein the video gaming application is linked with the social network service to enable text-based posts to be broadcasted for the event from one of the first gameplay and the second gameplay.
11	11	The computer-implemented method of claim 1, wherein the video gaming application is linked with a social network application that enables social network activities to affect one of the first gameplay and the second gameplay.
12	12	The computer-implemented method of claim 11, wherein the social network application is included in the video gaming application.
13	13	The computer-implemented method of claim 11, wherein the social network application is a stand-alone third-party application coupled to the video gaming application.
14	14[PR]	A system for hosting and providing a video gaming environment to one or more users, comprising:
	14[A]	one or more processors; and
	14[B]	a memory storing instructions that, when executed by the one or more processors, cause the system to:

Claim	<u>Limitation #</u>	Limitation
	14[C][1]	provide access to a video gaming application operated in a cloud computing network to a plurality of computing devices;
	14[C][2]	enable a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network, the first computing device participating in the first gameplay via a first gaming platform;
	14[C][3]	enable a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network, the second computing device participating in the second gameplay via a second gaming platform;
	14[C][4]	receive one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application;
	14[C][5]	determine an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service; and
	14[C][6]	modify one of the first gameplay and the second gameplay of the video gaming application based on the influence.
15	15	The system of claim 14, wherein a gaming platform is one of a mobile device, a game console, a social network messaging application, and a social website.

Claim	<u>Limitation #</u>	Limitation
16	16	The system of claim 14, wherein the first gameplay and the second gameplay are a shared gameplay that is shared across the first computing device and the second computing device by a first player and a second player, respectively, and wherein the first computing device is a personal computer and the second computing device is a mobile device.
17	17	The system of claim 16, wherein the first player and the second player have different levels of capability in the shared gameplay.
18	18	The system of claim 14, wherein the first gameplay and the second gameplay are a same game played by a same player via different platforms.
19	19	The system of claim 14, wherein game content in the first gameplay and the second gameplay is platform agnostic.
20	20	The system of claim 14, wherein the video gaming application is linked with a social network application that enables social network activities to affect one of the first gameplay and the second gameplay.

Petitioner Twitch Interactive, Inc. respectfully petitions for *inter partes* review of claims 1–20 of U.S. Patent No. 11,731,054 (EX1001) per 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.100 *et seq.*

I. INTRODUCTION

The '054 patent should never have issued. The claims require that a user “interaction” via a social network service—which would include *clicks* on Facebook—results in modification of a video gameplay. The Examiner allowed the claims because he misunderstood “interaction” as requiring a “*comment . . . includ[ing] one or more keywords.*”¹ (EX1003, 246 (Examiner referring to this as his reason for allowance).) Those far narrower elements were in a parent patent, but are not in any claims here. (EX1018; EX1001.)

Had the Examiner considered the actual scope of the 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 modifies gameplay—was well-known and practiced by 2012. (EX1005, EX1006, EX1007.)

¹ Emphases and/or annotations added unless specified.

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 ’054 patent and remain central to game mechanics today. The Director should institute review of the ’054 patent to protect our robust patent system and a critical segment of our nation’s economy.

II. THE ’054 PATENT

A. Summary

The ’054 specification describes conventional ways to integrate social networking with video games by 2012. (EX1002, ¶¶18-21.) 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.)

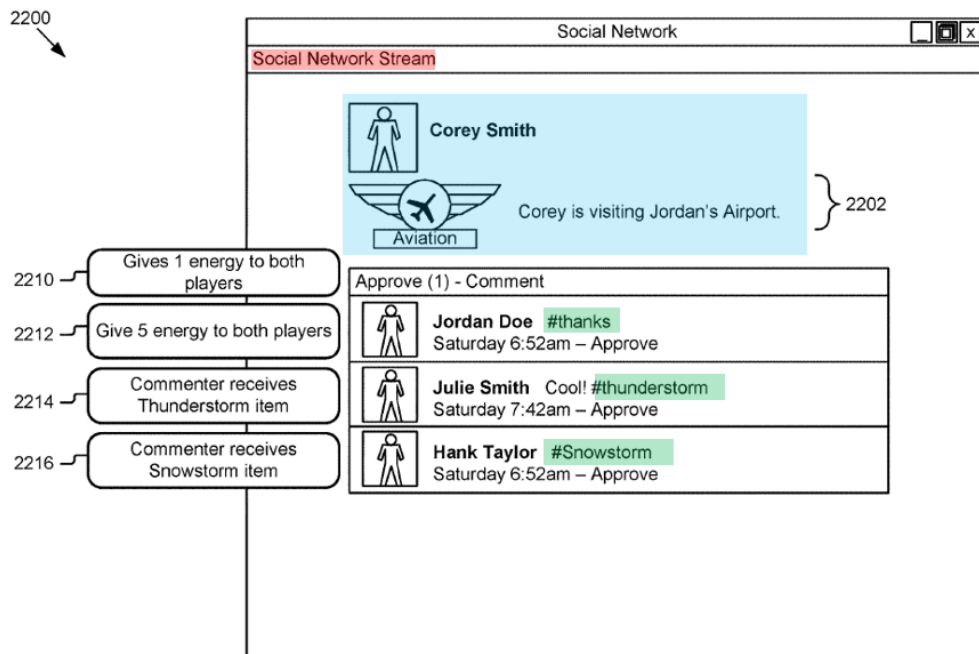


Figure 22A

The '054 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 the commenter “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 '054 patent purportedly claims earliest priority to a provisional application filed on May 7, 2012, which the Petitioner treats as the earliest effective filing date only for purposes of this proceeding. (EX1002, ¶17.)

C. Prosecution History

The examination was perfunctory. (EX1002, ¶¶44.) The Examiner issued only two Office Actions, both relying on the same single reference. (EX1003, 159–161, 206–209.) In the first Office Action response, Applicant added a limitation to claim 1 and argued that the added limitation was not taught. (*Id.*, 181–189.) After the Examiner maintained his rejections in the second Office Action, however, Applicant changed course—removing the added limitation and instead amending claim 1 to recite 1[D]–[F]. (*Id.*, 182, 219.)

The Examiner then allowed the application, but his reasons for allowance were incoherent. (EX1003, 241; EX1002, ¶¶45–46.) In the Notice of Allowance, he asserted that he found “no teaching or suggestion” of “allow[ing] a user to post at least one *comment* to the social network” and “determin[ing] if the at least one comment includes one or more *keywords*.” (*Id.*, 246.) But none of the claims recite “comment” or “keywords”; instead, they recite the broader term “interaction.” Moreover, despite the subject matter, the Examiner never cited or raised *any* contemporaneous game publications during prosecution of the '054

patent. (*See* EX1003.)

D. Level of Ordinary Skill in the Art

A person of ordinary skill in the art (POSITA) in the field of the '054 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, ¶¶52-54.)

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, ¶55.)

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, ¶¶56-62), 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)
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)
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)

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	1–20	FarmVille
2	103	4, 17	FarmVille, Shedletsky
3	103	6, 7	FarmVille, Zynga Patent
4	103	1–20	FarmVille, Tweet Land
5	103	1–20	Barclay ’019
6	103	1–20	Barclay ’019, Barclay ’363

Below, Petitioner discusses why the challenged claims are unpatentable

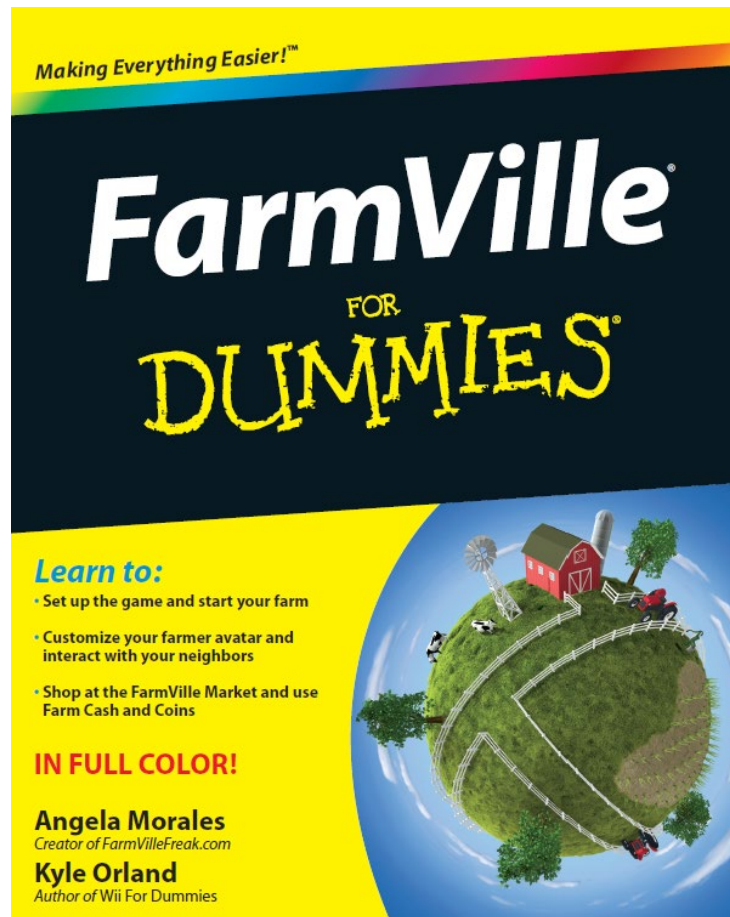
under the statutory grounds raised, including how and where the prior art satisfies each element of each challenged claim, as required by 37 C.F.R. §42.104(b)(4). Petitioner's showing establishes that there is a reasonable likelihood that it will prevail on each ground of unpatentability to each challenged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

A. Ground 1: FarmVille Renders Obvious Claims 1–20.

1. Summary of FarmVille

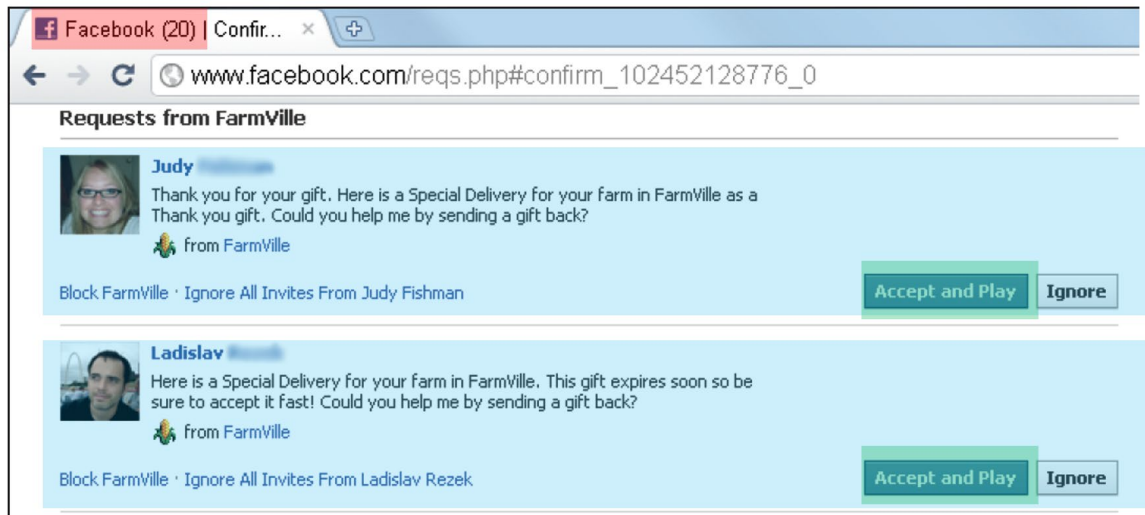
FarmVille was published/made publicly available no later than March 25, 2011, and thus qualifies as prior art under §102(a) and (b). (EX1021.) The Examiner never found, and Applicant never cited, it during prosecution. (EX1002, ¶¶63-74.)

FarmVille is a 268-page guide to the FarmVille game, “the most popular Facebook application created to date.” (EX1004, 1.) “FarmVille is a Web-based farming simulation game produced by a gaming company called Zynga.” (*Id.*, 7.)



(EX1004, Cover.)

FarmVille players can post FarmVille-related *events* 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 *events* via *Facebook* to modify the game. (EX1002, ¶¶67-74.) 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. Claim 1

- a. 1[PR]: “A computer-implemented method using a plurality of computing devices in a *cloud computing network*, the method comprising:”**

To the extent limiting, FarmVille discloses the preamble.

First, FarmVille discloses a plurality of computing devices, such as FarmVille player’s computers and mobile devices, etc. (EX1002, ¶76.) To play the game, “a user can employ practically *any computer with an Internet connection* and a graphical Web browser[.]” (EX1004, 16, 7, 15.) Further, “[i]n June 2010, Zynga launched the first mobile FarmVille app for the *iPhone, iPod Touch, and iPad*. The FarmVille app offers access to the same farm you maintain on Facebook.com or FarmVille.com[.]” (EX1004, 26, *see also id.*, 8, 15.)

Second, FarmVille discloses that the plurality of computing devices operate in a *cloud computing network*. “This farm, and the game itself, aren’t actually stored permanently on your computer, but exist on *‘the cloud’ of FarmVille servers* maintained by developer Zynga.” (EX1004, 11.) “To play FarmVille, you need to make sure that your browser has JavaScript enabled. 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*.” (*Id.*, 17; *see also id.* at 16, 7, 32, 53, 62, 225–229.) A POSITA would understand that FarmVille players’ computers and FarmVille servers form parts of a cloud

computing network. (EX1002, ¶¶77-79.)

A POSITA would have understood that FarmVille discloses a “computer-implemented method” because providing the game involves a method implemented by computers such as “FarmVille servers” and user computers. (EX1004, 15, 26; EX1002, ¶80.)

- b. 1[A]: “providing access to a *video gaming application* operated in the *cloud computing network* to the plurality of computing devices;”

FarmVille discloses this element.

FarmVille discloses a *video gaming application*. (EX1002, ¶¶81-82.) The FarmVille game is “the most popular Facebook *application* created to date.” (EX1004, 1.) The game includes “interactive and animated content” and thus is a video game. (*Id.*, 17; *see also id.*, 7, 11–12.) The game can be accessed on Facebook, as shown below. (EX1004, 24.) The FarmVille app is a *video gaming application*. (EX1002, ¶83.)

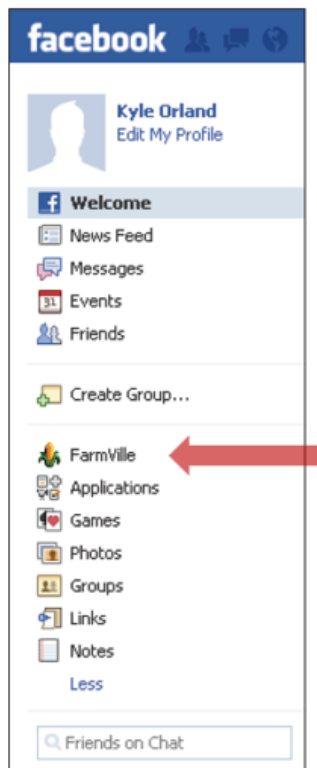


Figure 2-3: How the FarmVille bookmark appears on your Facebook sidebar.

(EX1004, Figure 2-3.)

FarmVille’s *video gaming application* can also be accessed via Farmville.com (below). (EX1004, 24.) It can also be a mobile app. “In June 2010, Zynga launched the first *mobile FarmVille app* for the iPhone, iPod Touch, and iPad.” (*Id.*, 26; *see also* EX1012, 1–2, Photos; EX1002, ¶¶84.)

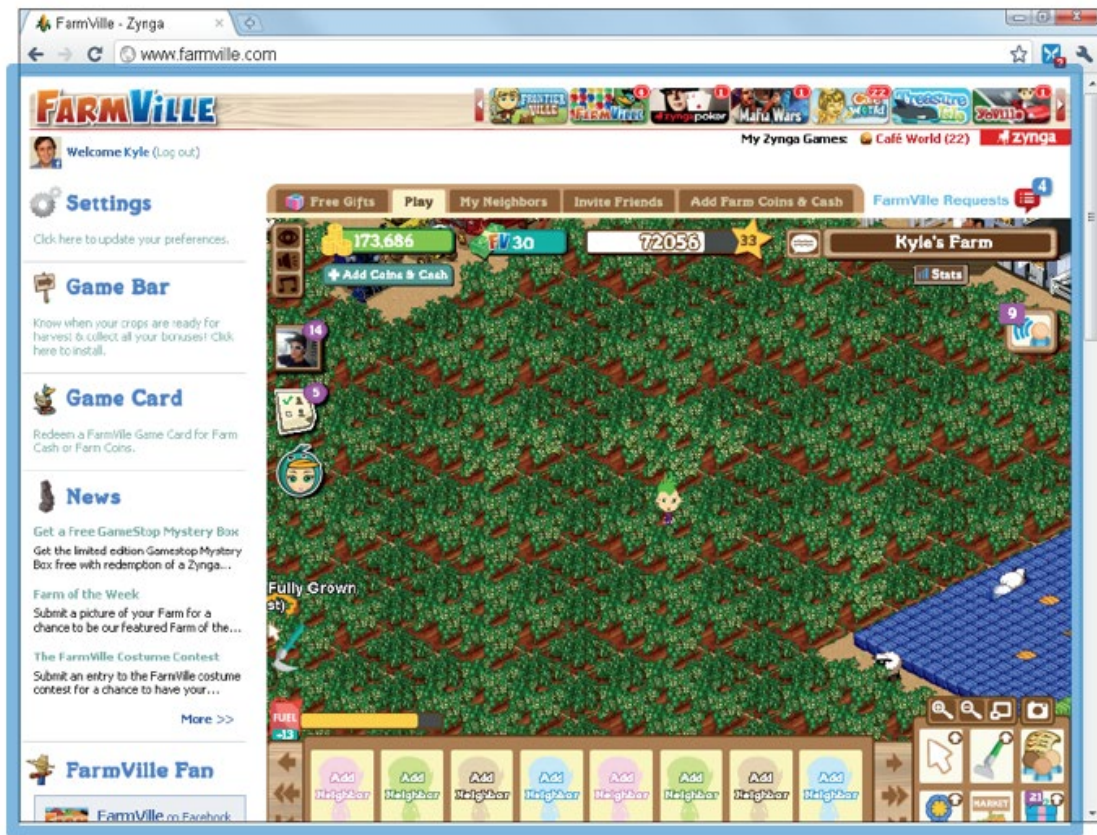


Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

FarmVille’s *video gaming application* operates on *FarmVille servers*, which is part of the *cloud computing network*. (EX1002, ¶85.) “*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, aren’t actually stored permanently on your computer, but exist on ‘*the cloud*’ of *FarmVille servers* maintained by developer Zynga.” (*Id.*, 11, 17, 32, 62, 225–229.)

FarmVille provides access to the *video gaming application* to *computing devices* of “millions” of FarmVille players. (EX1004, 8; EX1002, ¶86.)

“Practically any *computer* that can handle a graphical Web browser can handle the game.” (EX1004, 15.)

c. 1[B][1]: “enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network,”

FarmVille enables a FarmVille player’s computing device (*i.e.*, first computing device of the plurality of computing devices) to participate in a gameplay. (EX1002, ¶¶87-88.) For example, “[u]sing a *computer* with Internet access is the easiest way to play FarmVille and practically any *computer* that can handle a graphical Web browser can handle the game.” (EX1004, 15, 7, 26.)

As discussed above, the FarmVille player’s device participates in a gameplay of the video gaming application (*e.g.*, FarmVille app) via the cloud computing network. (*Supra* §§IV.A.2.a–IV.A.2.b; EX1002, ¶¶89.)

d. 1[B][2]: “the first computing device participating in the first gameplay via a first gaming platform;”

FarmVille discloses this element. Claim 2 of the ’054 patent states that “a *gaming platform* is one of a mobile device, a game console, a social network messaging application, and a social website.” (EX1001, 29:27–29.) Farmville

discloses many of these gaming platforms because the Farmville game is made available to players and enables players to play the game on these platforms, as discussed below. (EX1002, ¶¶90-95.)

First, FarmVille discloses a gaming platform that is a mobile device providing gameplay via the FarmVille mobile app. “In June 2010, Zynga launched the first mobile FarmVille app for the *iPhone, iPod Touch, and iPad.*” (EX1004, 26, 15; *see also* EX1012, 1–2, Photos.)

FarmVille also discloses a gaming platform that is a social website or a social network messaging application providing gameplay. FarmVille players can “access the FarmVille app through a Facebook search, an invitation from a Facebook friend, or the game's public-facing Facebook page[.]” (EX1004, 22, 24.) A POSITA would understand that Facebook is a social website and social network messaging application. (*See* EX1025.) Facebook (as a social website or a social networking application) is a gaming platform because it offers access to and the gameplay of the game.²

² In this proceeding, everything mapped to a “gaming platform” (*e.g.*, Facebook, mobile device) is done so because they provide the actual game(s) and allow for gameplay.

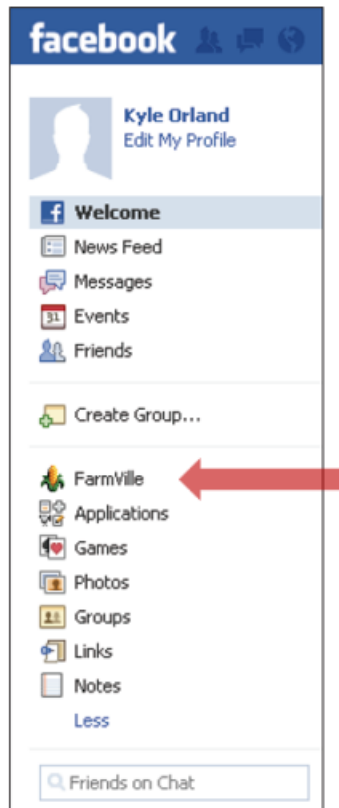


Figure 2-3: How the FarmVille bookmark appears on your Facebook sidebar.

(EX1004, Figure 2-3.)

FarmVille also discloses a gaming platform that is a dedicated website providing gameplay. “[Y]ou can also access the game directly through the FarmVille Web site at <http://www.farmville.com>, as shown in Figure 2-4.”

(EX1004, 24.)

Thus, FarmVille discloses that a FarmVille player’s computing device (*i.e.*, the first computing device) participates in a gameplay (*i.e.*, first gameplay) via a

gaming platform (*e.g.*, Facebook providing gameplay, FarmVille mobile app, or FarmVille.com, which allows access to and the playing of the FarmVille game).

- e. **1[C][1]: “enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network,”**

FarmVille discloses this element. The dependent claims of the '054 patent broadly state that the “first gameplay” and the “second gameplay” can be “shared gameplay” or “different games,” and that they can be played by the “same player” or “different players.” (EX1001, Claims 3, 5–8.) FarmVille discloses all of these. (EX1002, ¶¶96-102.)

First, FarmVille discloses the first gameplay being a FarmVille player’s gameplay on his own farm and a second gameplay being another FarmVille player’s gameplay (*e.g.*, on the same farm or his own farm). “You manage your virtual farm . . . Through weeks and months of dedicated farming, you can build your initial small, empty farm into a massive, thriving mega-farm bustling with life.” (EX1004, 7.)

Second, FarmVille discloses several group activities that involve a shared gameplay (*i.e.*, first gameplay and second gameplay). In a 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.)

In a co-op farming mission, “[e]ach co-op job asks you and your neighbors to grow a set number of specific crops within a set, real-world time limit.” (*Id.*, 202.)

Third, FarmVille discloses the first gameplay and the second gameplay being the same gameplay by the same FarmVille player across multiple computing devices (or the same device). “The FarmVille app offers access to the same farm you maintain on Facebook.com or FarmVille.com, only now it’s literally at your fingertips on the go, wherever you go!” (EX1004, 26.) “With a laptop or mobile device, FarmVille can even help fill those wasted wait times that can seem to fill up a day.” (*Id.*, 8.)

As discussed above, any FarmVille player’s device participates in a gameplay of the video gaming application (*e.g.*, FarmVille app) via the cloud computing network. (*Supra* §§IV.A.2.a–IV.A.2.b.)

f. 1[C][2]: “the second computing device participating in the second gameplay via a second gaming platform;”

FarmVille discloses several gaming platforms consistent with the ’054 patent, such as Facebook providing access to/play of the game, FarmVille.com, and FarmVille mobile app. (*Supra* §IV.A.2.d.) FarmVille discloses that the second computing device participates in the second gameplay via one of these gaming platforms (*e.g.*, the same or a different platform). (*Supra* §IV.A.2.d; EX1002, ¶¶103-104.)

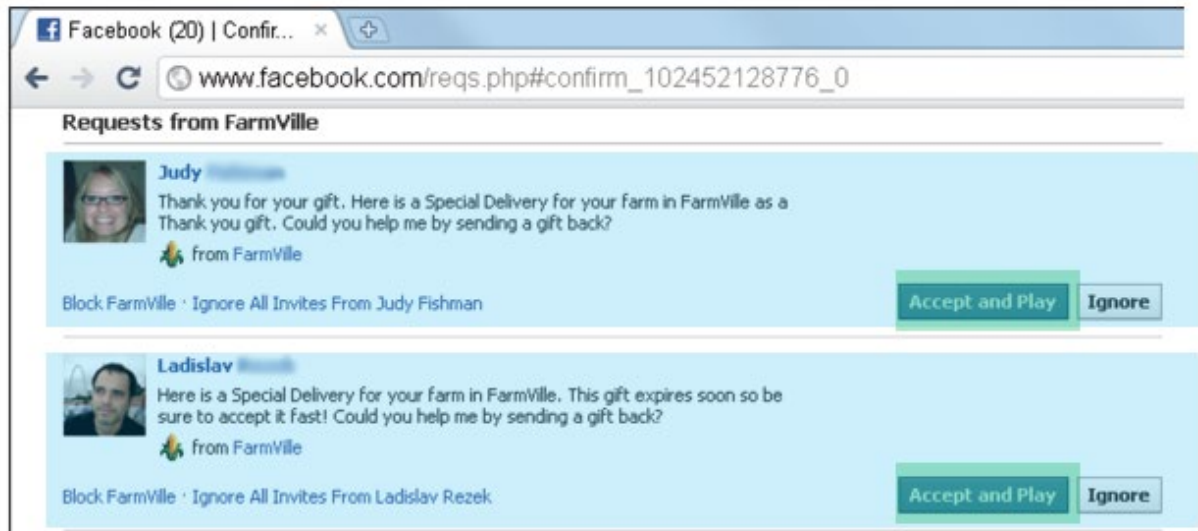
- g. 1[D]: “receiving one or more *interactions* via a *social network service* in association with an *event* from one of the first gameplay and the second gameplay of the video gaming application;”

FarmVille discloses this element. The game “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 provides or is a *social network service*. (EX1002, ¶¶105-106.) The ’054 patent confirms that the same social network website or service can both provide/enable gameplay (hence a gaming platform per claim 2) and receive interactions (per element 1[D]). (See, e.g., EX1001, 28:12-17 (“*social network application (e.g., game application)* . . . processes each post for *comments and likes*”), 13:38-46, FIGS. 1-2.)

FarmVille discloses an *event* from a FarmVille gameplay (e.g., first or second gameplay) posted to the *social network service*. (EX1002, ¶¶107-118.) “These news posts can involve everything from *opportunities to adopt animals or accept free items to requests for help with building upgrades*.” (EX1004, 70.)

FarmVille discloses receiving *interactions* (e.g., a click or data indicative of the click) via a *social network service* in association with an *event*. (EX1002, ¶¶119-126.) First, a Facebook post can represent a FarmVille *event* of gifting gifts (below). After a player sends a gift request, “[a] *news post* detailing your gift

shows up on your neighbor's **Facebook** news feed.” (EX1004, 66, *see also id.*, 71, Figures 4-8 and 4-10.) To accept a gift, the neighbor can “[c]lick the Accept and Play button next to the gift [they] want to accept.” (*Id.*, 67, Figure 3-4.)



(Excerpt from EX1004, Figure 3-4.)

Second, Figure 8-5 shows a Facebook post representing a FarmVille **event** of gifting a bonus. (EX1004, 149–150.) “Your 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.*, 70–71, 149; EX1016, 142.)



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

(EX1004, Figure 8-5.)

Third, Figure 3-9 shows a Facebook post representing a FarmVille *event* (*i.e.*, animal found for adoption). (EX1004, 149–150.) “[I]f 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.)” (*Id.*, 46, Figure 3-9.)



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

(EX1004, Figure 3-9.)

Fourth, FarmVille players can “expand the storage capacity of storage buildings” through barn raising. (EX1004, 156, 155.) After a user initiates a request, 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.*; see also EX1016, 70; EX1017.)



(EX1017.)

Fifth, a FarmVille player can “invite unconverted Facebook friends to sign up for FarmVille.” (EX1004, 55–56.) “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.” (*Id.*, 56.)

Sixth, a FarmVille player can send a “*neighbor request* [which] will be posted to your friend’s *Facebook news feed*.” (EX1004, 54–55.) “Your 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.” (*Id.*, 55.)



Figure 4-1: The My Neighbors page.

(EX1004, Figure 4-1.)

Seventh, to recruit friends for a co-op job, “[e]nter a message and then click Publish to post the *notice* on [the user’s] *Facebook wall*.” (EX1004, 206.) “Your neighbors can *click a link* that automatically appears in the *news feed* post to join your co-op job.” (*Id.*)

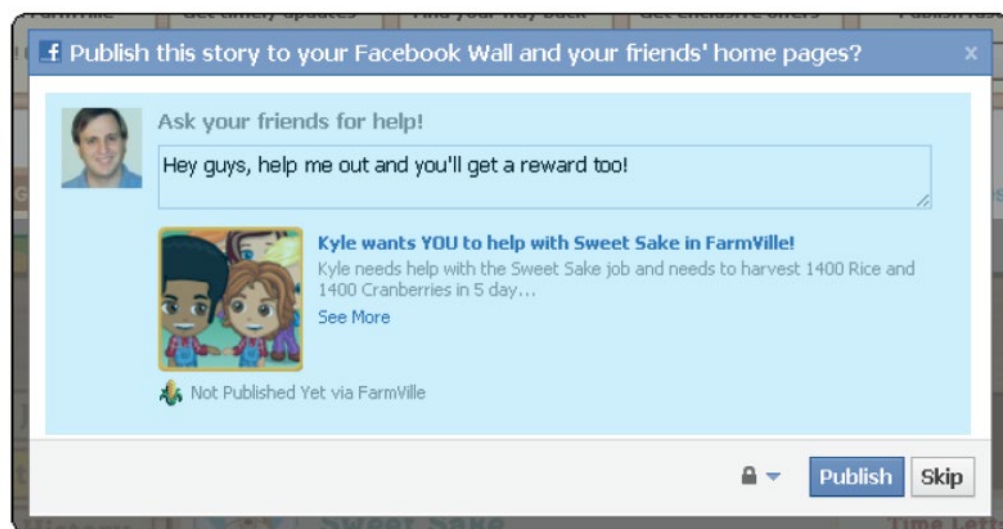


Figure 12-5: Posting a note about your co-op job to the Facebook news feed.

(EX1004, Figure 12-5.)

In all of these examples, the *interactions* (e.g., clicks or data indicative of clicks) are in association with *events* from FarmVille gameplays. (EX1002, ¶¶127-129.) The *interactions* are received via *Facebook*. Further, although not required by the claim, FarmVille discloses or at least suggests (and a POSITA would find it obvious) that FarmVille servers would receive *interaction data* indicative of the

user input and/or intent and update the game state and/or display of the gameplay accordingly. (See EX1004, 11, EX1008, EX1013; *infra* §IV.A.2.h.)

- h. 1[E]: “determining an *influence* to one of the first gameplay and the second gameplay of the video gaming application based on the one or more *interactions* via the social network service;” and 1[F]: “and *modifying* one of the first gameplay and the second gameplay of the video gaming application based on the *influence*.”

FarmVille discloses these elements. In all seven examples (below), based on the *interaction* (indicating user input/intent to accept a gift, accept item/bonus, adopt animal, help with barn-raising, accept play/neighbor request, join co-op job) and applicable rules, the game determines the *influence* (*i.e.*, updating server-side databases, updating the game display, updating game state data) and *modifies* the gameplay accordingly. (EX1002, ¶¶130-146.) The modification in FarmVille is consistent with, for example, the “in-game reward” described in the ’054 patent. (EX1001, FIG. 4, 26:50-67.)

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.*)



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.)

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.)

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.)

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.)

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.)

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.)

Farmville explains that certain interactions are subject to timing or eligibility restrictions. For 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.) Likewise, "only the first person to click each news feed link can adopt the animal in question." (*Id.*, 46; *see also id.*, 156.) A POSITA therefore would have understood that the FarmVille servers determine the

influence to the gameplay based on the interactions and applicable rules and ***modify*** it accordingly.

3. Claim 2

As discussed, FarmVille discloses a gaming platform such as a mobile device, a game console, a social network messaging application, and a social website, all of which provide the game. (*Supra* §IV.A.2.d; EX1002, ¶147.)

4. Claim 3

FarmVille discloses this claim.

First, FarmVille discloses the first gameplay and the second gameplay being a shared gameplay that is shared across multiple devices. (EX1002, ¶¶148-151.)

As a first example, two FarmVille players can work on the same farm (*i.e.*, shared gameplay). “As a social game, FarmVille is partially focused on ***helping fellow players***, known in the game as neighbors.” (EX1004, 12; *see also id.*, 54–55.)

“You can help your neighbors by . . . visiting their farms and performing some basic farming tasks daily.” (*Id.*; *see also id.*, 61–62.) Figure 4-1 (below) shows a button to “Go to Candace’s farm” to engage in shared gameplay with Candace.

This is consistent with the ’054 patent. (EX1001, 8:26–28, 8:21–23 (“[p]layers [] can request permission to visit game play arenas of other players”).)



Figure 4-1: The My Neighbors page.

(EX1004, Figure 4-1.)



Figure 4-5: The Return Home button.

(EX1004, Figure 4-5.)

As a second example, FarmVille provides group activities (*i.e.*, shared gameplay). (EX1002, ¶¶152-154.) In a 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.) In a co-op farming mission, “[e]ach co-op job asks you and your neighbors to grow a set number of specific crops within a set, real-world time limit.” (*Id.*, 202.) “Because you need to rely on your neighbors’ participation . . . you should coordinate with your fellow co-op participants and decide who should grow what crops and in what quantities.” (*Id.*, 206–207.)



Figure 12-4: The Active Job menu.

(EX1004, Figure 12-4.)

As a third example, the first gameplay and the second gameplay are the same gameplay by the same player across multiple devices. (EX1002, ¶¶155.) “The FarmVille app offers access to the same farm you maintain on Facebook.com

or FarmVille.com, only now it’s literally at your fingertips on the go, wherever you go!” (EX1004, 26, 8, 24.)

FarmVille discloses one gameplay uses a personal computer and another gameplay uses a mobile device. (EX1002, ¶¶156-157.) “With a laptop or mobile device, FarmVille can even help fill those wasted wait times that can seem to fill up a day.” (EX1004, 8; *see also id.*, 15, 26.)

5. Claim 4

In the first example discussed in claim 3, a farmer (*i.e.*, first player) and a neighbor (*i.e.*, second player) have different levels of capability on the farm.

“Farming on your *neighbor’s farm* isn’t exactly like *farming on your own* — you’re actually quite limited in the actions you can take to help your neighbor. . . For example, you can harvest two trees, fertilize two plots of land, and unwither one crop before having to move on to another farm for the day.” (EX1004, 62; EX1002, ¶¶158-159.)

In general, FarmVille also discloses any two players can have different levels of capability based on their “level.” Thus, any two players in the shared gameplays in claim 3 can have different levels of capability. “Many new levels come with the keys to previously locked parts of the FarmVille experience.” Table 8-1 (excerpt below) summarizes the different capabilities. (EX1004, 139; *see also id.*, 49, 143–144; EX1002, ¶¶160-162.)

Table 8-1 Level XP Requirements and Unlocked Features for Levels 1–40					
<i>Level</i>	<i>Total XP Needed</i>	<i>Level Name</i>	<i>Buyable Items</i>	<i>Giftable Items</i>	<i>Gameplay Features</i>
1	0	Field Hand	See Chapter 3		
2	15	Kinderfarmer	Plum Tree, Hay Bale	Plum Tree	
3	30	Amateur Farmer	Barrel, Colored Hay Bales	Fig Tree, Green Hay Bale	
4	70	Able Farmer	Squash and Lilac Seeds, Chickens, Peach Trees, Rest Tent, Crate	Chicken, Peach Tree	Fertilize neighbors' farms (See Chapter 4)
5	140	Handy Farmer	Pumpkin Seeds, White and Brown Stools	Avocado Trees	
6	250	Nimble Farmer	Artichoke and Spinach Seeds, Mailbox		Storage features (see Chapter 9)
7	400	Savvy Farmer	Rice Seeds, Sheep, Lemon Tree, Butter Churn, Well	Sheep, Lemon Tree	Sell items (see Chapter 3)
8	600	Fancy Farmer	Raspberry and Daffodil Seeds, Wood Pile, Tool Shed	Apricot Tree	
9	850	Sophisticated Farmer	Cotton Seeds, Bike, Wagon		
10	1,150	Splendid Farmer	Cranberry and Chickpea* Seeds, Lime Tree, Fruit Stand, Wood Fence, Picnic Set	Pig, Lime Tree	Crop Mastery and Collections (see Chapter 11)
11	1,500	Farming Magician	Bell Pepper and Rhubarb Seeds, Stone Mailbox	Grapefruit Tree	

(EX1004, Excerpt of Table 8-1.)

6. Claim 5

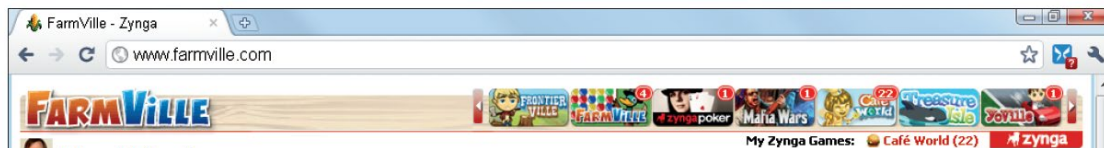
FarmVille discloses this claim. (EX1002, ¶¶163-166.) As discussed above, a FarmVille player can play on his personal computer (*e.g.*, on Facebook or Farmville.com) and then resume the same gameplay on his mobile device (*i.e.*,

different platforms). (*Supra* §§IV.A.4, IV.A.2.e; *see also* EX1004, 7, 228.)

7. Claim 6

FarmVille discloses this claim. (EX1002, ¶¶167-170.) In FarmVille, different players play different games when they work on their own farms. (*Supra* §IV.A.2.e; EX1004, 7.) This is consistent with the '054 patent, which shows different games to be different parts of a virtual arena. (EX1001, FIGS. 8, 10, 35.) The '054 patent also states that players “may access a virtual game arena, ***their own or that of other players***, via several platforms and take up play where they left off.” (EX1001, 8:26–28.)

Additionally or alternatively, FarmVille allows different players to play different Zynga games. As shown in Figure 2-4, FarmVille.com provides additional games, such as “FrontierVille”, “Zynga Poker”, “Mafia Wars”, etc.



(Excerpt of EX1004, Figure 2-4.)

It would have been obvious to a POSITA that some of the FarmVille players play via the same gaming platform. For example, two players can play different games both on Facebook, FarmVille.com, or a FarmVille mobile app. (*Supra* §IV.A.2.d; EX1002, ¶170.)

8. Claim 7

FarmVille discloses this claim. As discussed above, FarmVille discloses the two gameplays are different games played by different players (*supra* §IV.A.7) and they can be via different gaming platforms (*supra* §IV.A.2.d; EX1002, ¶¶171-173).

9. Claim 8

FarmVille discloses this claim. The '054 patent discloses that “[a] central unit 4210 may facilitate *continuous game play* that is *shared across all platforms*, thereby making the game content agnostic.” (EX1001, 27:46–49.)

Consistent with the '054 patent, the FarmVille game provides continuous game play that is shared across Facebook FarmVille app, FarmVille.com, and the mobile app. (EX1002, ¶¶174-175.) “The FarmVille app offers access to *the same farm you maintain* on Facebook.com or FarmVille.com. . . .” (EX1004, 26; *see also id.*, 24.) “Satisfying gameplay *sessions* in FarmVille can last as little as a few minutes, and real-world interruptions won’t ruin your progress, because the game saves your progress constantly.” (*Id.*, 8.)

10. Claims 9–10

FarmVille discloses these claims. (EX1002, ¶¶176-181.) First, *FarmVille* is linked with a *social network service*. “In May 2007, the introduction of the Facebook platform allowed third-party companies to *build applications that integrated seamlessly with Facebook’s* social network.” (EX1004, 21.) “Installing the *FarmVille* app to *your [Facebook] account* is the only piece of

business left to take care of before you can start the game, and it's an easy one.”

(*Id.*, 22.)

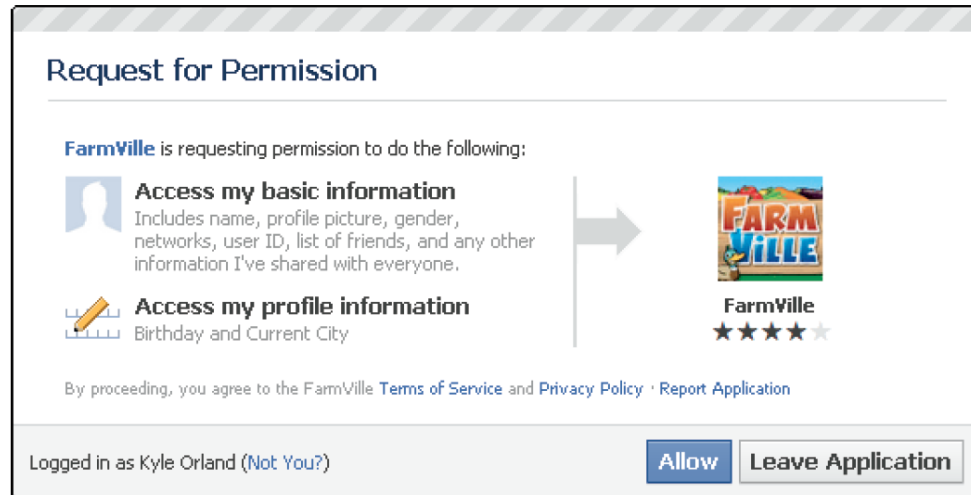


Figure 2-2: The Request for Permission page.

(EX1004, Figure 2-2.)

Further, FarmVille discloses **Facebook** enables FarmVille players to send text-based posts. (*Supra* §IV.A.2.) Further, these text-based posts are broadcasted by being posted to Facebook news feeds for Facebook users to see. (*See, e.g.*, EX1004, 55, 56, 63, 64, 66, 70, 117, 150, 156.)

11. Claim 11

FarmVille discloses this claim. (*Supra* §IV.A.10.) Facebook enables social network activities (*e.g.*, clicking on a Facebook post) to affect one of the first gameplay and the second gameplay. (*Supra* §IV.A.2.h.)

Further, FarmVille discloses a social network application within the

FarmVille game, “*Comments menu*.” A player can “place a Sign Post or leave a comment on your farm a farm you’re visiting” and “these comments are readable by anyone who visits that farm” (EX1004, 36; *see also id.*, 37.) Thus, the Comments menu enables social network activities to affect a gameplay (e.g., comments appearing in the farm). (EX1002, ¶¶182-184.)



Figure 3-5: The Comments menu.

(EX1004, 37.)

12. Claim 12

FarmVille discloses or renders obvious this claim. (EX1002, ¶¶185-186.)

As discussed above, FarmVille’s “Comments menu” is a social network application included in the FarmVille application, because the “Comments menu” is an in-game feature that allows users of the video gaming application (*i.e.*, FarmVille players) to socialize within the video gaming application. (*Supra* §IV.A.11.)

13. Claim 13

FarmVille discloses this claim. (EX1002, ¶¶187-189.) Facebook is a stand-alone third-party social network application from the FarmVille app and FarmVille.com. (EX1004, 21, 24–25.) **Facebook** is coupled to the **FarmVille game**. (*Supra* §IV.A.10; *see also* EX1004, 21.)

14. Claim 14

- a. **14[PR]: “A system for hosting and providing a video gaming environment to one or more users, comprising:”**

To the extent limiting, FarmVille discloses this preamble. As discussed above, FarmVille discloses hosting and providing a video gaming environment to one or more users. (*Supra* §§IV.A.2.a–IV.A.2.b.) It would have been obvious that implementing the FarmVille game involves a computer-implemented system including the FarmVille servers. (EX1002, ¶190.)

- b. **14[A]: “one or more processors;”**

A POSITA would have understood (and it would be obvious) that FarmVille servers would include one or more processors. (*Supra* §§IV.A.2.a–IV.A.2.b; EX1004, 11, 16; EX1002, ¶191.)

- c. **14[B]: “and a memory storing instructions that, when executed by the one or more processors, cause the system to:”**

A POSITA would have understood (and it would be obvious) that FarmVille

servers would include a memory. (*Supra* §IV.A.2.a; EX1002, ¶192.) Further, “[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.) Thus, the FarmVille servers comprise “game program required to maintain [the farm],” which a POSITA would understand to include or be instructions—stored on FarmVille servers’ memory—that are executed by FarmVille servers’ processors to implement the game. (EX1002, ¶192.)

d. 14[C][1]–[C][6]

FarmVille discloses these claim elements. (*Supra* §§IV.A.2.b–IV.A.2.h; EX1002, ¶¶193-198.)

15. Claim 15–20

FarmVille discloses claim 15 (*supra* §IV.A.3), 16 (*supra* §IV.A.4), 17 (*supra* §IV.A.5), 18 (*supra* §IV.A.6), 19 (*supra* §IV.A.9), and 20 (*supra* §IV.A.11). (EX1002, ¶¶199-204.)

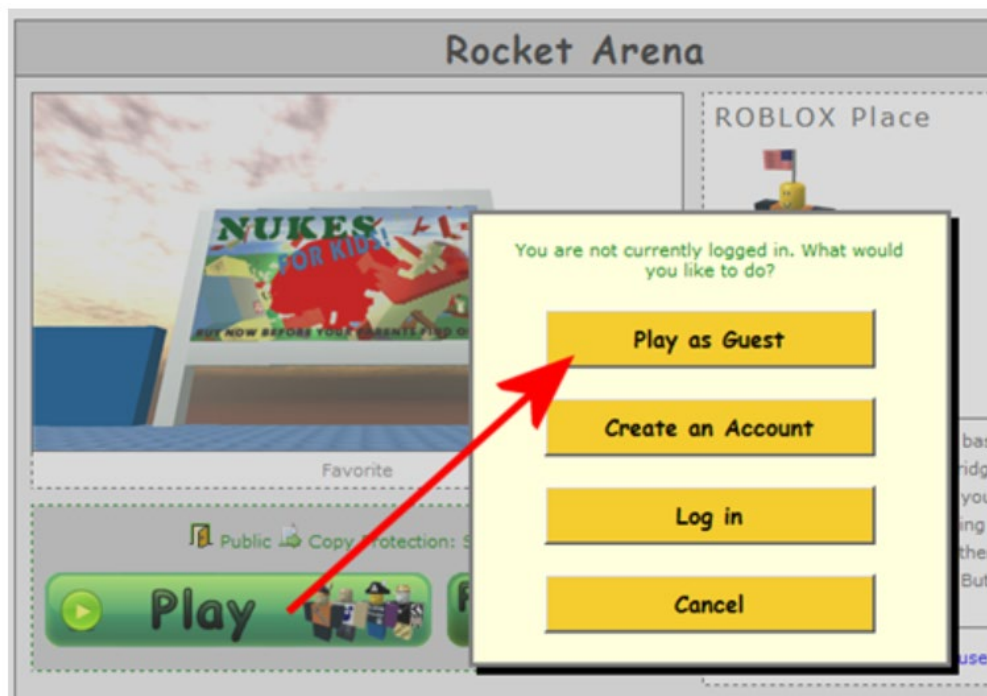
B. Ground 2: FarmVille and Shedletsky Render Obvious Claims 4/17.

1. Summary of Shedletsky

Shedletsky was published no later than 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, ¶¶205-208.)

Shedletsky describes a “guest mode” feature of the game Roblox. “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 FarmVille and Shedletsky

It would have been obvious to combine Shedletsky’s “guest mode” with FarmVille. Both are related to operating online video games. (EX1004, 7, 9, 65–71, 201–206; EX1009, 1.) They are analogous to the ’054 patent, from the same field of endeavor, and relate to the same technical problems. (EX1002, ¶209.)

The FarmVille game 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, the FarmVille game 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 as taught by Shedletsky. (EX1002, ¶210.)

The combination would have predictably allowed broader participation in the FarmVille game, increased conversion of non-players into full players, and increased the entertainment value. (EX1009, 1 (“anyone who gets in-game and plays ROBLOX for 10 minutes is probably going to want to create a full account.”).) The combination would have been straightforward with a reasonable expectation of success. The combination would have been obvious to try, as there are a finite number of access levels: full access, limited access, and no access. Applying Shedletsky to FarmVille would improve the game in the same way. Shedletsky’s known benefits would prompt its application in the same field based on design incentives/market forces. (EX1002, ¶¶211-215)

3. Claims 4/17

FarmVille game provides different levels of capability in a shared gameplay. (*Supra* §IV.A.5; EX1002, ¶¶216-219.) Shedletsky provides an additional status for a given gameplay: a person playing in guest mode. (*Supra* §IV.B.2.)

Shedletsky describes that there are features that are only available to players

with a registered account, “such as having your own place, collecting the daily login bonus, and being able to customize the look of their ROBLOXian.”

(EX1009, 1.) This is consistent with the ’054 patent. (EX1001, 8:12–15.)

C. Ground 3: FarmVille and Zynga Patent Render Obvious Claims 6–7.

1. Summary of Zynga Patent

Zynga patent was filed on September 26, 2011, before the earliest provisional application filing date of the ’054 patent, and thus qualifies as prior art under §102(e). (EX1008, 1.) The Examiner never found, and Applicant never cited, the Zynga patent during prosecution. (EX1002, ¶¶220-221.) Zynga patent describes operating online games and explicitly mentions “Farmville.” (EX1008, 14:53.)

2. 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 ’054 patent, are from the same field of endeavor, and address the same technical problem of operating online games. (EX1001, Abstract; EX1002, ¶222.)

To the extent that FarmVille does not explicitly disclose a video gaming application providing access to multiple games (not conceded), Zynga Patent explicitly discloses “a player may play *multiple games* on game networking

system 120*b*, which may maintain a single game account for the player with respect to all the games, or multiple individual game accounts for each game with respect to the player.” (EX1008, 4:7–16.) In the FarmVille-Zynga combination, a video gaming application developed by Zynga would allow a player to access *multiple Zynga games*. (EX1002, ¶223.)

The combination would predictably improve both the user experience by giving players one place to discover/launch games using a unified application, providing seamless cross-promotion, reducing customer acquisition costs, enabling shared services such as authentication and notifications, and providing Zynga with better cross-game analytics and operational efficiency. These 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, multi-game networked architecture for operating the FarmVille game and other Zynga games through a unified system. Because both references involve Zynga online social games with social-network integration, a POSITA would have been motivated to use the known multi-game design of Zynga patent to improve FarmVille in the same way. It would have been obvious to try combining the teachings of FarmVille and Zynga patent. Zynga patent demonstrated that an online game networking system can provide multiple online games and ensure a consistent gaming experience across multiple gameplay sessions and different games.

(EX1008, 4:5–19.) Thus, the combination is straightforward and readily achievable by a POSITA, with a reasonable expectation of success. (EX1002, ¶¶224-226.)

3. Claims 6–7

FarmVille-Zynga discloses these claims. The combination discloses a video gaming application providing different games (FarmVille, other Zynga games) played by different players. These games can be via the same or different platforms (e.g., mobile app, Facebook providing gameplay, gaming website). (EX1002, ¶¶227-229.)

D. Ground 4: FarmVille and Tweet Land Render Obvious Claims 1–20.

1. Summary of Tweet Land

Tweet Land was published no later than 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, ¶¶230-234.)

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 *racine game* . . . and an *action game*[.]” (*Id.*, 2.)

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; EX1005³, 2.)



(EX1019, 3; EX1005, 3.)

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

Tweet Land uses “real-time . . . *tweets* drawn from *Twitter*” to “trigger elements into the game.” (EX1014, 1; 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-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.” (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 and Tweet Land

FarmVille and Tweet Land both relate to using social-network activities (e.g., Facebook clicks, tweets) to affect gameplay. (EX1004, 53; EX1005, 2.) They are analogous to the '054 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, ¶235.)

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, ¶¶236-238.)

The combination would reduce disruption to users so they play FarmVille directly from the Facebook newsfeed. Reducing such navigation friction would

improve usability and increase engagement with FarmVille. It would also allow any Facebook user who can interact with a post to influence the FarmVille game 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 the FarmVille game 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, ¶¶239-242.)

3. Claim 1

a. 1[PR]–1[C][2]

FarmVille-Tweet Land discloses these elements for reasons stated above

with respect to 1[PR]–1[C][2] in Ground 1. (*Supra* §§IV.A.2.a–IV.A.2.f; EX1002, ¶¶243-249.)

Tweet Land also discloses a *video gaming application*. “In the Tweet Land universe you will be able to play several *videogames* but it will launch with two initial games. A *racing game* called Route 140 and an *action game* called Love City.” (EX1005, 2; *see also* EX1014, 1; EX1002, ¶245.)



(EX1019, 2; EX1005, 2.)

b. 1[D]–1[F]

Tweet Land discloses determining an *influence* to a gameplay based on *interactions* via the social network service and modifying the gameplay accordingly. (EX1002, ¶¶250-258.) “[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.)

In the figure below, a user (@zerocartin) tweeted “*Quake in Papua New Guinea! Is there any tsunami warning?*” In response, a tsunami appears in the Tweet Land game, as shown below.



(EX1014, 2.)

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

4. Claims 2–20

FarmVille-Tweet Land discloses these claims for reasons stated above with respect to claims 2–20 in Ground 1. (*Supra* §§IV.A.3–IV.A.15; EX1002, ¶¶259–288.) Regarding claim 3, in the combination, the second gameplay can include a Facebook user commenting on a FarmVille-related post. (EX1002, ¶¶260–261.) Regarding claims 6–7, Tweet Land also discloses different games. (*Supra*

§IV.D.3.a; EX1002, ¶¶264-267.)

E. Ground 5: Barclay '019 Renders Obvious Claims 1–20.

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, ¶¶289-294.)

Barclay's system "control[s] and reward[s] gaming-related socialization." (EX1006, 1:24.) Barclay '019 provides a *video gaming application*. 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.)

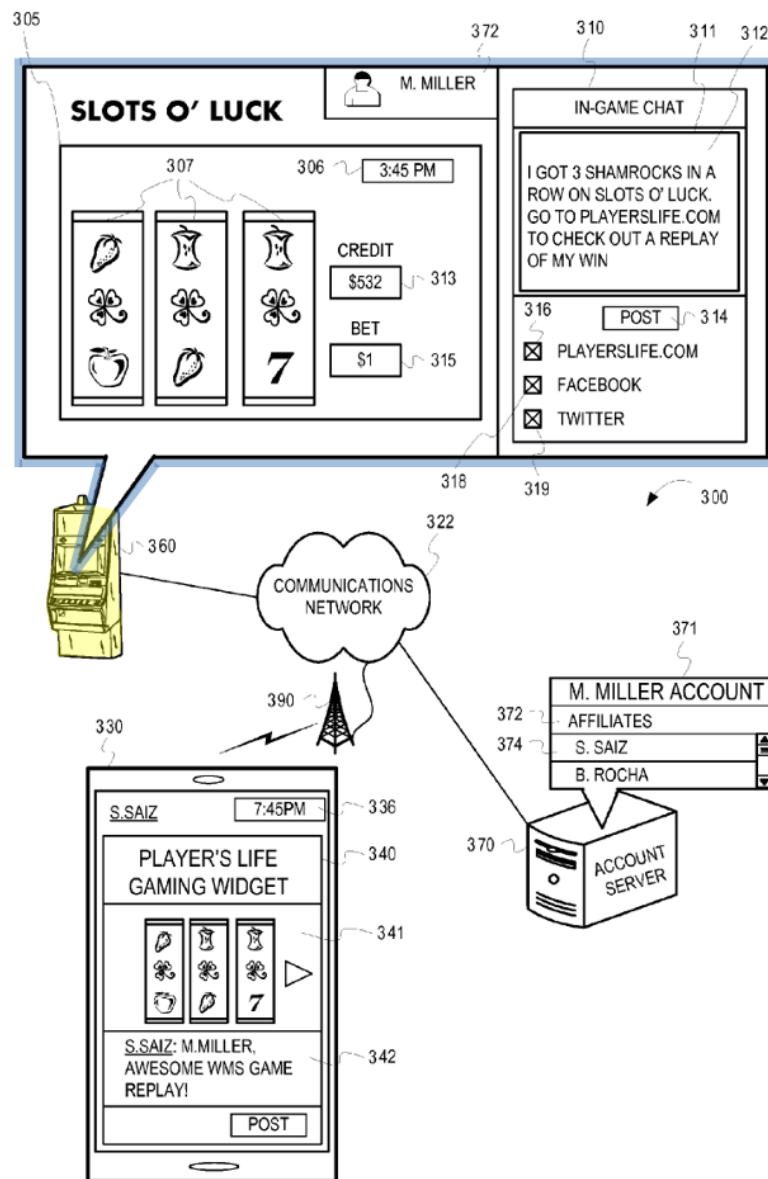


FIG. 3

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.)

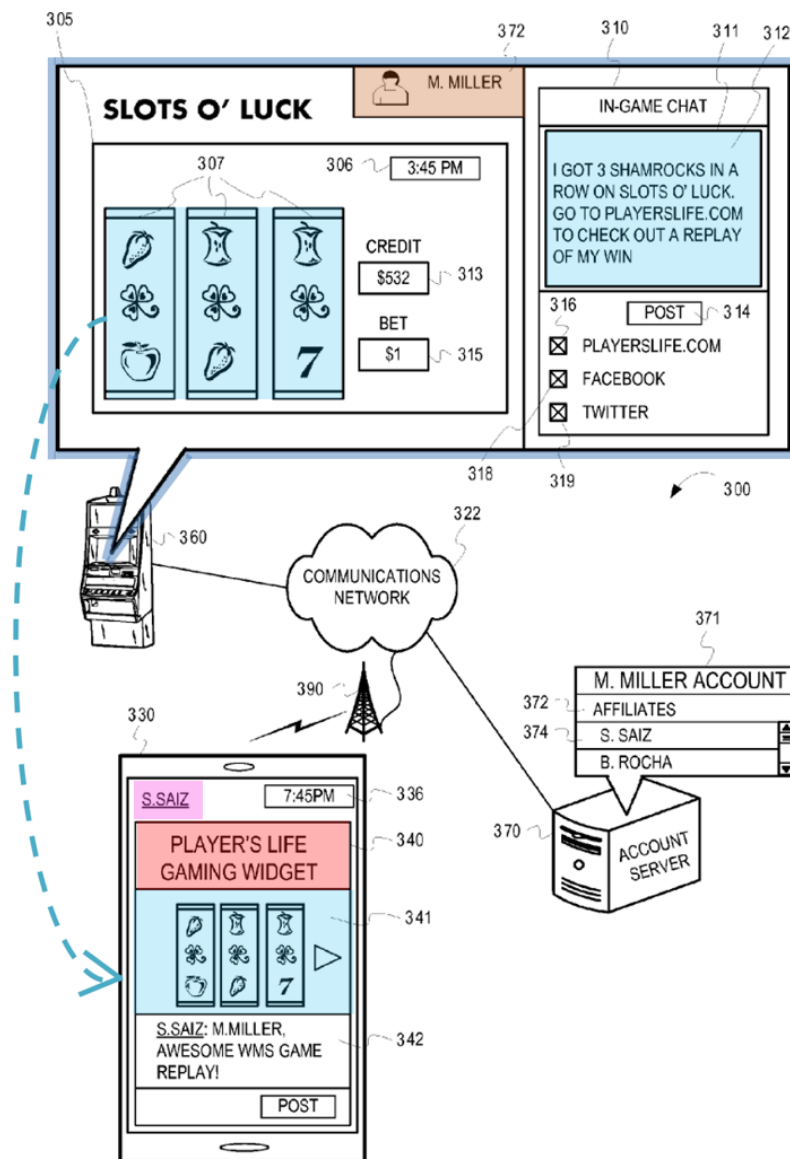


FIG. 3

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.)

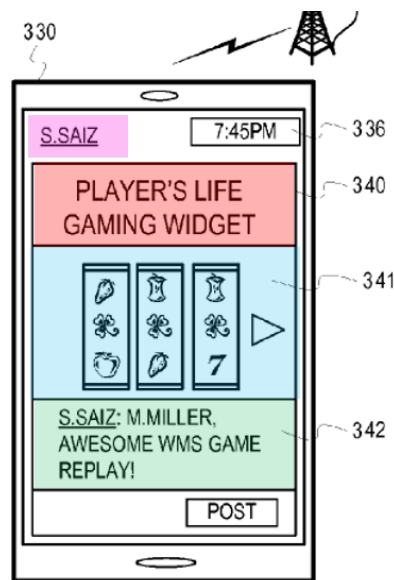


FIG. 3

(Excerpt of FIG. 3.)

Barclay '019 discloses numerous other ways social-network interactions
(e.g., *comments*, *clicks*, *views*) can *affect the gameplay*, as discussed below.

2. Claim 1

- a. 1[PR]: “A computer-implemented method using a plurality of *computing devices in a cloud computing network*, the method comprising:”

To the extent limiting, Barclay '019 discloses this preamble. First, Barclay

'019 discloses a plurality of *computing devices*, stating that its system “can be presented over any type of communications network that provides access to wagering games” and that “[m]ultiple users can be connected to the networks via *computing devices*.” (EX1006, 5:29–34, 5:40–41.) These user devices are represented as “client 860” in the system architecture and can include “a computer system, a personal digital assistant (PDA), a cell phone, a laptop, a wagering game machine, or any other device or machine that is capable of processing information, instructions, or other data provided via the communications network 822.” (EX1006, 15:38–45; *see also id.* 19:8–16, 19:50–24:54, FIGS. 9-12; EX1002, ¶¶295-297.)

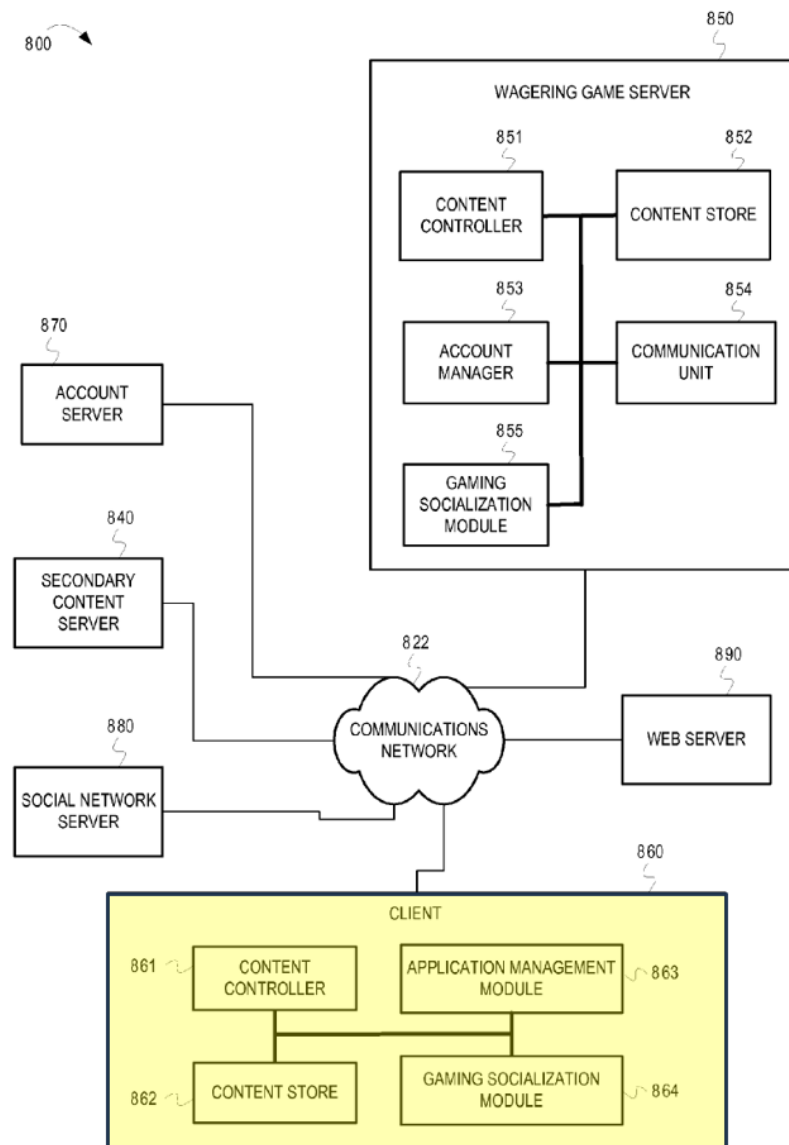
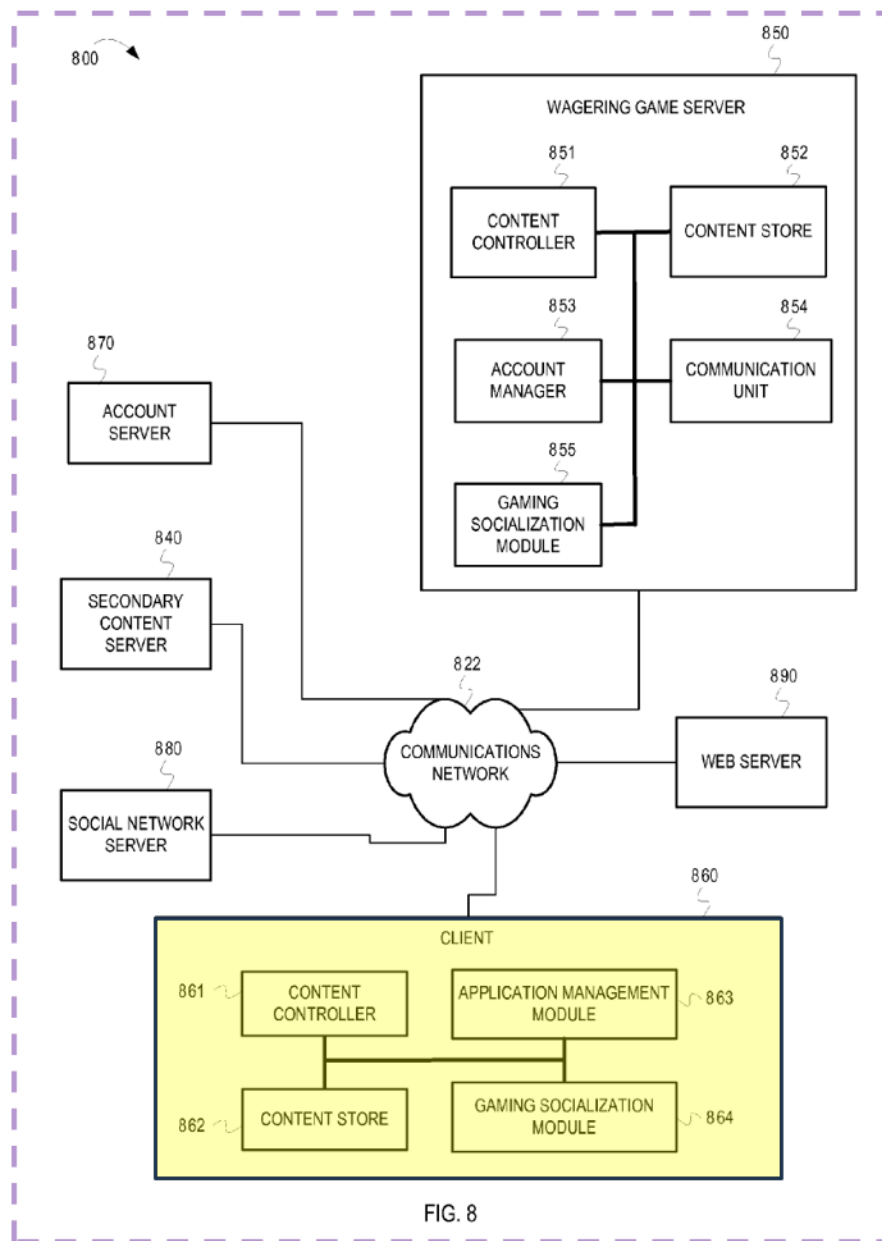


FIG. 8

Further, Barclay '019's computing devices operate in a *cloud computing network*, consistent with the '054 patent. (EX1002, ¶¶298-301.) The '054 patent describes a system of interconnected computers (*e.g.*, servers, user devices) that communicate via, for example, “the Internet.” (EX1001, 10:54–62, 12:59–62.) Consistent with the '054 patent, FIG. 8 of Barclay '019 depicts “a *wagering game*

system architecture 800,” which includes a system of interconnected computers such as servers (*e.g.*, wagering game server, account server, secondary content server, social network server, web server) and client 860. (EX1006, 14:50–55, 15:3–7; 15:38–41, 17:19–25, 18:17–21, 18:34–39, FIG. 8, 17:48–51, 5:34–40.) “[A] wagering game server 850 [is] 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, 17:48–51, 18:34–41, 19:17–31; 19:34–36, 2:66–3:1.) “Embodiments can be presented over any type of communications network that provides access to wagering games, such *as a public network (e.g., a public wide-area-network, such as the Internet)*” (*Id.*, 5:34–40; *see also id.*, 17:51, 18:39.) A POSITA would understand that system 800, formed by interconnected computers in the cloud, discloses a *cloud computing network*. (EX1002, ¶299.)



Barclay '019 discloses a computer-implemented method for performing its operations. (See, e.g., EX1006, claims 1–6, 21, 24, 20:24, 23:16; EX1002, ¶302.)

- b. 1[A]: “providing access to a *video gaming application* operated in the *cloud computing network* to the plurality of computing devices;”

Barclay '019 discloses this element.

First, Barclay '019 provides access to a *video gaming application*. (EX1002, ¶¶303-306.) As shown in FIG. 3 (below), a wagering game machine “can present wagering games, such as *video poker, video black jack, video slots, video lottery*, reel slots, etc., in whole or part.” (EX1006, 22:25–27; *see also id.* 9:12–13, 23:17–22, 19:17–31.) Barclay '019 states that such device can “manage multiple instances of *gaming applications*. For example, the application management module 863 can be configured to launch, load, unload and control *applications and instances of applications*.” (*Id.*, 15:50–54; *see also id.*, 15: 61–62 (the device “can control . . . display for the *multiple gaming applications*”), 16:66–17:2, 18:36–39, 17:48–59.)

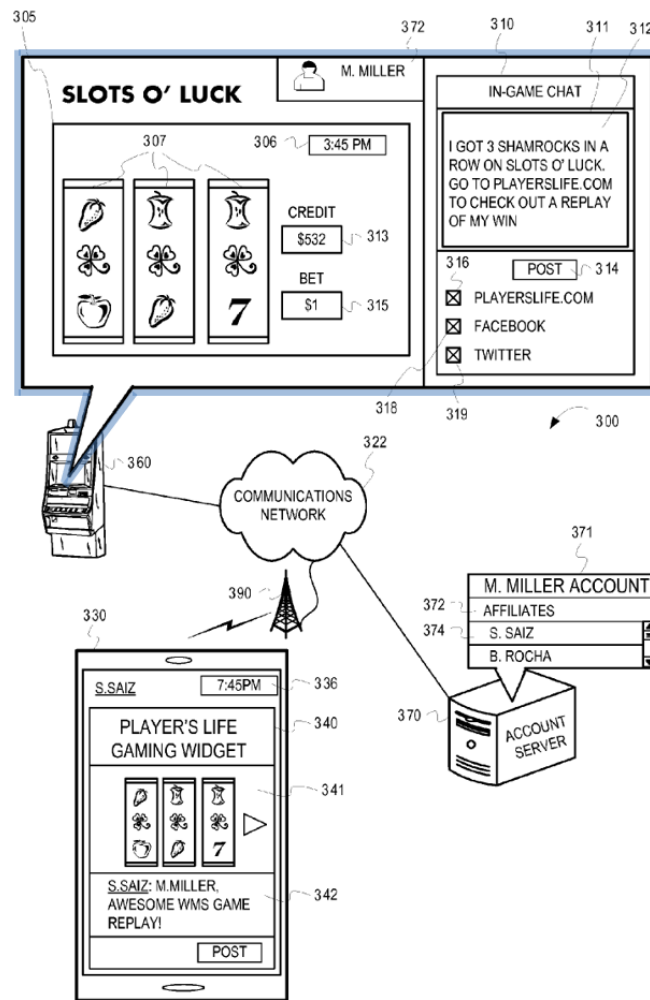
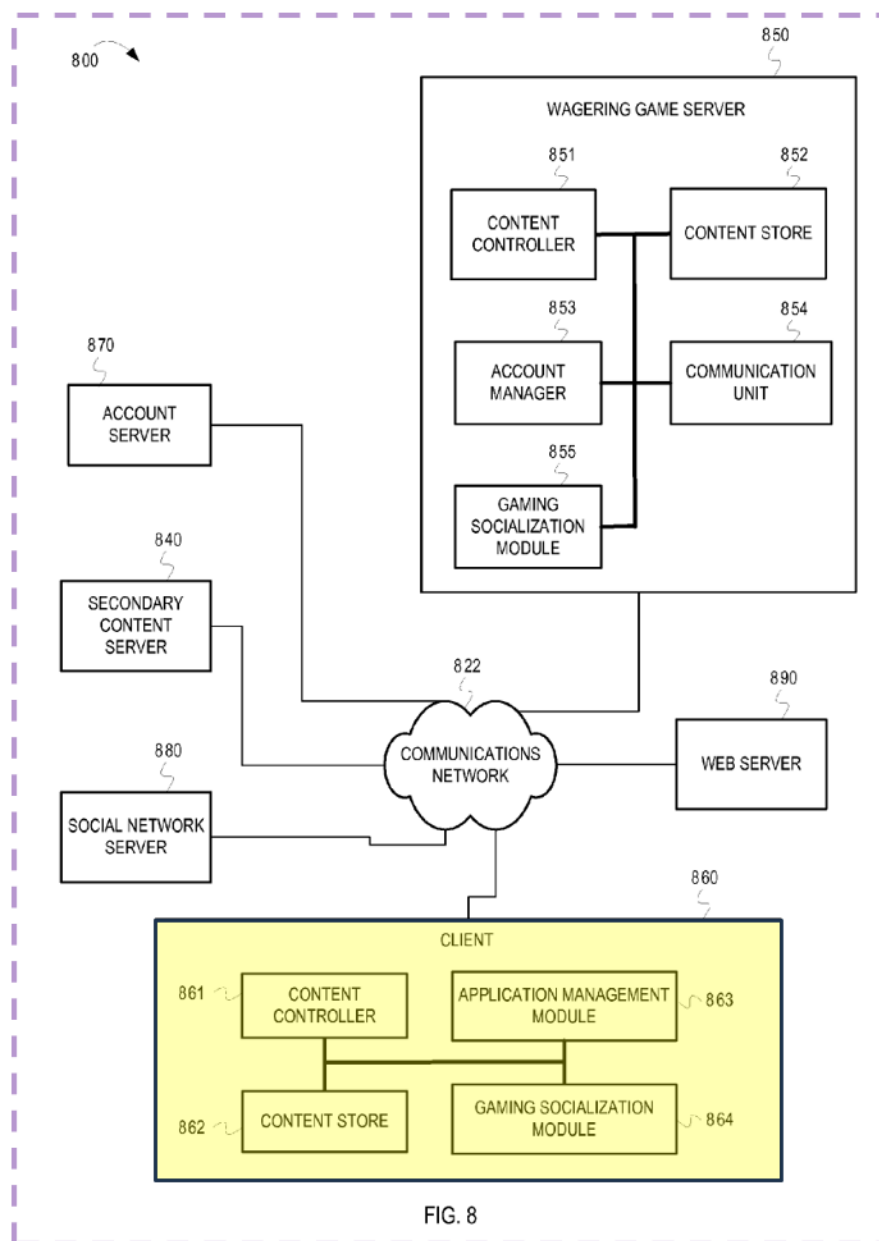


FIG. 3

Barclay '019's *video gaming application* operates in the *cloud computing network*. (EX1002, ¶307.) As discussed, Barclay '019 discloses a cloud computing network (e.g., "*wagering game system architecture 800*"). (*Supra* §IV.E.2.a.) Various servers in the *wagering game system architecture 800* operate the *video gaming application*, as discussed above. (*Id.*; EX1006, 15:3–16, 17:19–18:16, 18:34–56.)



Third, Barclay '019 provides access to the *video gaming application* to the plurality of *computing devices*. (EX1002, ¶308.) As discussed above, Barclay '019 discloses *computing devices* such as client 860 to play wagering games. (*Supra* §§IV.E.2.a–IV.E.2.b.) “[T]he *client 860* [is] configured to present *wagering games*” and the system can “present multiple *wagering game*

applications on the *client 860* via a wagering game website, or other gaming-type venue accessible via the *Internet*.” (EX1006, 15:38–41, 18:36–39, 17:48–51, 19:8–16.)

- c. **1[B][1]: “enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network,”**

Barclay '019 discloses this element.

As discussed above, Barclay '019 discloses many user devices (*e.g.*, client 860) for presenting wagering games. (*Supra* §§IV.E.2.a–IV.E.2.b.) For example, Barclay '019 discloses that “[a]ny individual with a personal computing device (*e.g.*, a personal computer, a laptop, a personal digital assistant, a cell phone, etc.) can connect to the Internet and play wagering games.” (EX1006, 1:39–42.) Any of Barclay '019’s user devices discloses the recited “first computing device of the plurality of computing devices [enabled] to participate in a first gameplay of the video gaming application.” (*Id.*, 15:41–43; EX1002, ¶¶309-311.)

In FIG. 3, wagering game machine 360 is an example “first computing device.” “The user can login to the wagering game machine 360 via a player account 317, indicated via the player login console 372, and play the *wagering game 305* via a wagering game session.” (EX1006, 9:33–36, 9:32–33.)

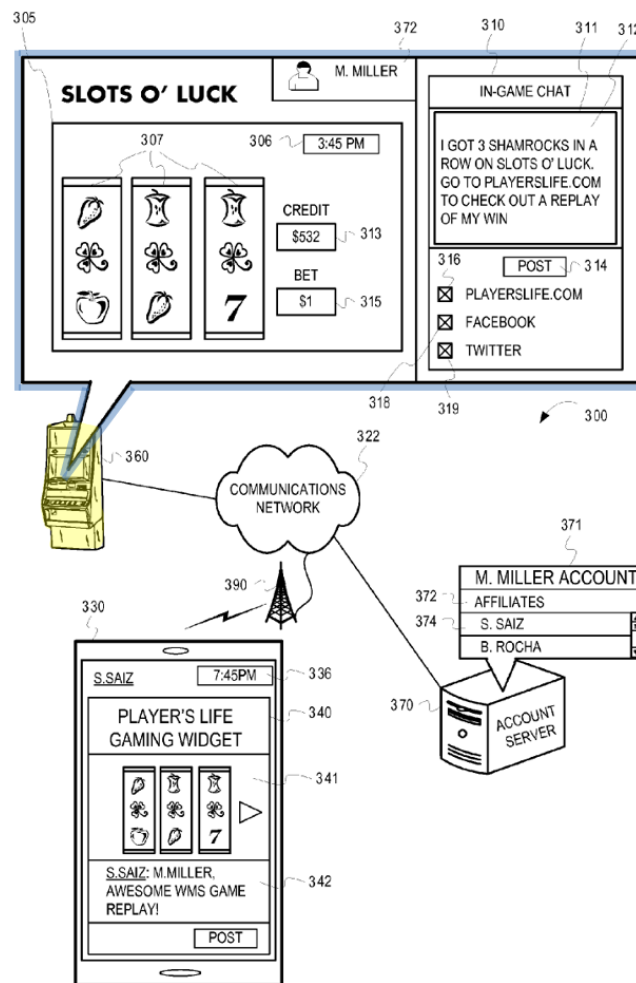


FIG. 3

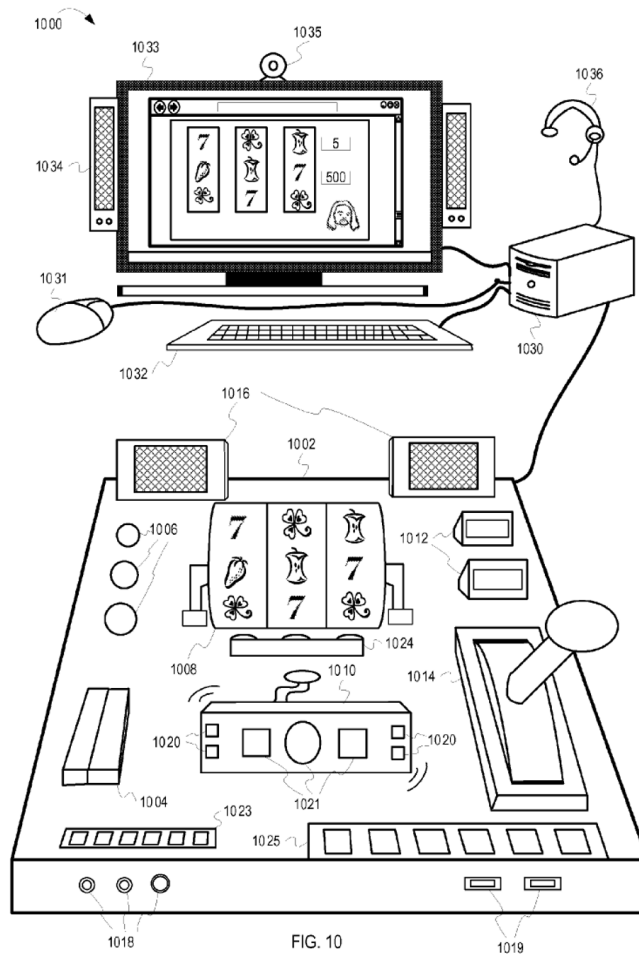
As discussed, Barclay '019's *video gaming application* operates in the *cloud computing network*. (*Supra* §§IV.E.2.a–IV.E.2.b.) Thus, it follows that Barclay '019 enables participation in a first gameplay via the *cloud computing network*. Indeed, “wagering game machine 360 . . . communicate[s] with . . . a *gaming server*, such as with the server 150 described in FIG. 1.” (EX1006, 9:21–22; *see also id.*, 19:24–28, 15:3–37; EX1002, ¶¶312.)

d. 1[B][2]: “the first computing device participating in the first gameplay via a first gaming platform;”

Barclay '019 discloses this element. (EX1002, ¶313.)

First, Barclay '019 discloses a gaming platform that is a mobile device providing gameplay. “[T]he client 860 can take the form of . . . *mobile phones, personal digital assistants*, personal computers, etc.” (EX1006, 19:9–16; *see also id.*, 15:41–42.) The mobile phone is a gaming platform because it provides the games and allows gameplay on the phone. (EX1002, ¶315.)

Second, Barclay '019 discloses a gaming platform that is a game console. “[T]he client 860 can take the form of a wagering game machine. Examples of wagering game machines can include floor standing models, handheld mobile units, bar-top models, *workstation-type console models*, surface computing machines[.]” (EX1006, 19:8–16.) FIG. 10 depicts an example. (EX1006, 20:39–21:50.) Barclay '019 discloses additional platforms such as a wagering machine. (*See id.*, FIG. 12, 23:10–22; EX1002, ¶¶316–317.)



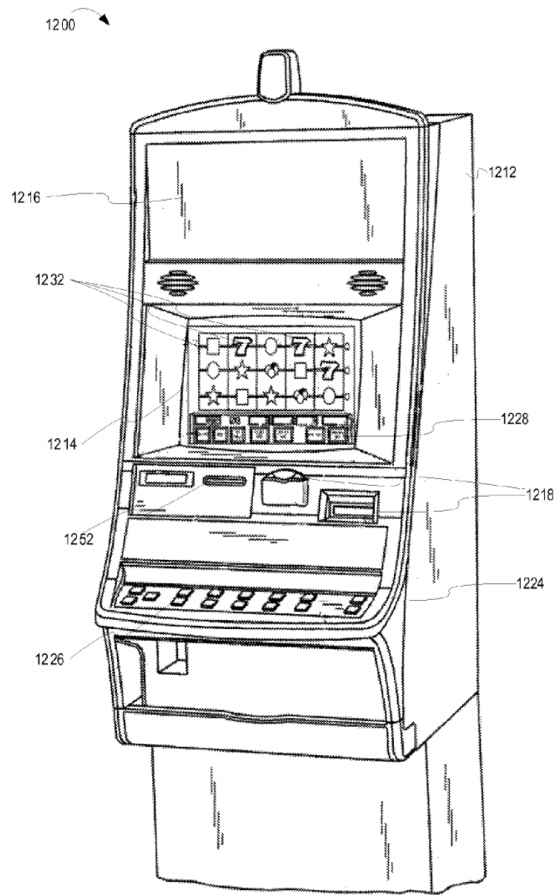


FIG. 12

Third, Barclay '019 discloses a gaming platform that is a social website and a social network messaging application providing gameplay. For example, as shown in FIG. 7, “[t]he wagering widget 710 can be an application on a webpage 703 of a *social network website (e.g., Facebook.com)* where the presentation of the webpage 703 is associated with a social network session for a social network account via a web browser 701.” (EX1006, 13:4–8, 12:30–36; EX1002, ¶318.)

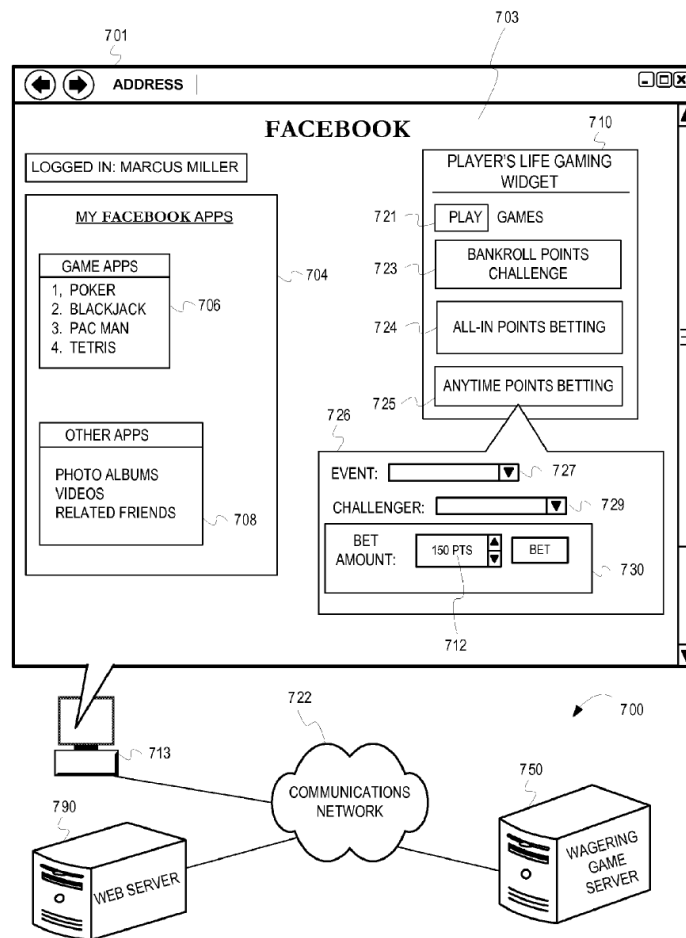


FIG. 7

Thus, Barclay's gameplays (e.g., first gameplay) can be via several gaming platforms as discussed above. Barclay '019 also explicitly states that its system supports multiple platforms. (EX1006, 16:52–55 (client device can “perform rendering operations for *presenting applications of varying platforms*, formats, environments, programming languages, etc.”), 16:62–65.)

- e. **1[C][1]: “enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network,”**

Barclay '019 discloses this element. (EX1002, ¶¶319-325.)

First, Barclay '019 discloses one gameplay being a game (*e.g.*, wagering game in FIG. 3) played by “[a]ny individual” and another gameplay being a different game played by a different player. (EX1006, 1:39–42.) Barclay '019 states that “[*m*]***multiple users*** can be connected to the networks via computing devices” and describes a workflow where a first user plays on a first wagering game machine and a second user plays on a second wagering game machine. (EX1006, 5:40–44, 11:4–53.) In other words, Barclay '019's system is not restricted to a single user, but accessible by multiple users using multiple devices. Thus, it would have been obvious that two different players can play Barclay '019's games (“video poker, video black jack, video slots, video lottery, reel slots, etc.”) using their own devices. (EX1006, 22:25–27; *see also id.* 23:17–22, 19:17–31.)

Second, Barclay '019 enables one gameplay being a game (*e.g.*, wagering game in FIG. 3) played by “[a]ny individual” and another gameplay being a shared gameplay played by the same player by logging into a different device (or the same device). (EX1006, 1:39–42.) “[T]he in-casino activity can be a ***continuation of a persistent-state game*** that is played outside the casino[.]” (EX1006, 8:29–31.) “The user can ***login to the wagering game machine 360 via a player account 317***, indicated via the player login console 372, and play the wagering game 305 via a

wagering game session. The *player account can access the points earned by the player. . . .*” (*Id.*, 9:33–40.) Further, “some points may be *earned outside a casino, but only become active when a player (or a group of the player's friends) goes into a casino* and uses the point there for game play on a wagering game machine or for group wagering activities (e.g., slot tournament, play at same bank, etc.).” (*Id.*, 8:23–28; *see also id.*, 10:39–12:7.) In other words, Barclay ’019 discloses or at least suggests allowing the same player to play a continued gameplay across multiple devices (or the same device at a later time).

Third, Barclay ’019 enables shared gameplay by different players. (EX1006, 1:39–42, 13:45–61.) Barclay ’019 discloses many multi-player games, for example, “networked games, social games, competitive games, or any other game that *multiple players can participate in at the same time.*” (EX1006, 15:42–46; *see also id.*, 12:8–13:24.) Further, Barclay ’019 discloses a “bankrolling” player who can passively share a gameplay by “offer[ing] a certain amount of points to win if another player, at the bank, hits a specific gaming event” and “win[ning] points for initiating a points wagering session that utilized the player’s bankroll of points.” (EX1006, 13:45–61.)

As discussed, Barclay ’019’s *video gaming application* operates in the *cloud computing network* (e.g., wagering game system architecture 800). (*Supra* §§IV.E.2.a–IV.E.2.b.) Thus, it follows that Barclay ’019 enables participation in

the second gameplay via the *cloud computing network*. (EX1002, ¶326.)

- f. 1[C][2]: “the second computing device participating in the second gameplay via a second gaming platform;”

Barclay '019 discloses this element. As discussed above, Barclay '019 discloses various gaming platforms. (*Supra* §IV.E.2.d.) A POSITA would thus understand that any gameplay, including the first and the second gameplay, would be via one of those gaming platforms. (EX1002, ¶¶327-328.)

- g. 1[D]: “receiving one or more *interactions* via a *social network service* in association with an *event* from one of the first gameplay and the second gameplay of the video gaming application;”

Barclay '019 discloses this element.

First, Barclay '019 discloses an *event* from a gameplay (*e.g.*, first or second gameplay). In FIG. 3 (below), a gameplay in a wagering game yielded a gameplay result (*i.e.*, “*event*”). “During the wagering game session (*e.g.*, at 3:45 PM, as indicated via the clock 306) the 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).” (EX1006, 9:40–44.) The *gameplay result* is an event from a gameplay (*e.g.*, first gameplay). (EX1002, ¶330.)

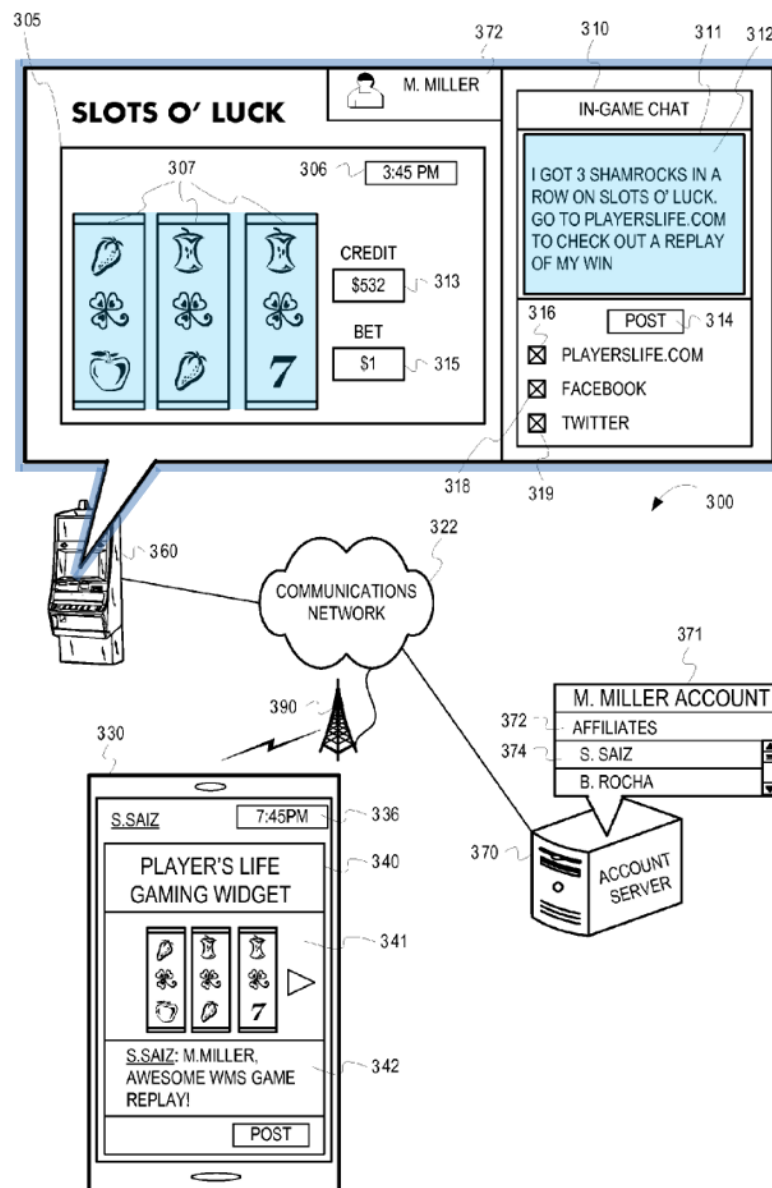


FIG. 3

Further, “[i]n 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, 9:43–44.) The **message 312** also is or represents a gameplay event. (EX1002, ¶331.)

Barclay '019 discloses a *social network service* that the *event* can be posted to. FIG. 3 shows many *social network services* that the player can post the event to, including *PlayersLife.com*, *Facebook*, and *Twitter*. Barclay '019 describes *PlayersLife.com* as a “social networking website.” (EX1006, 2:67; *see also id.*, 6:26–31; EX1002, ¶¶332-333.)

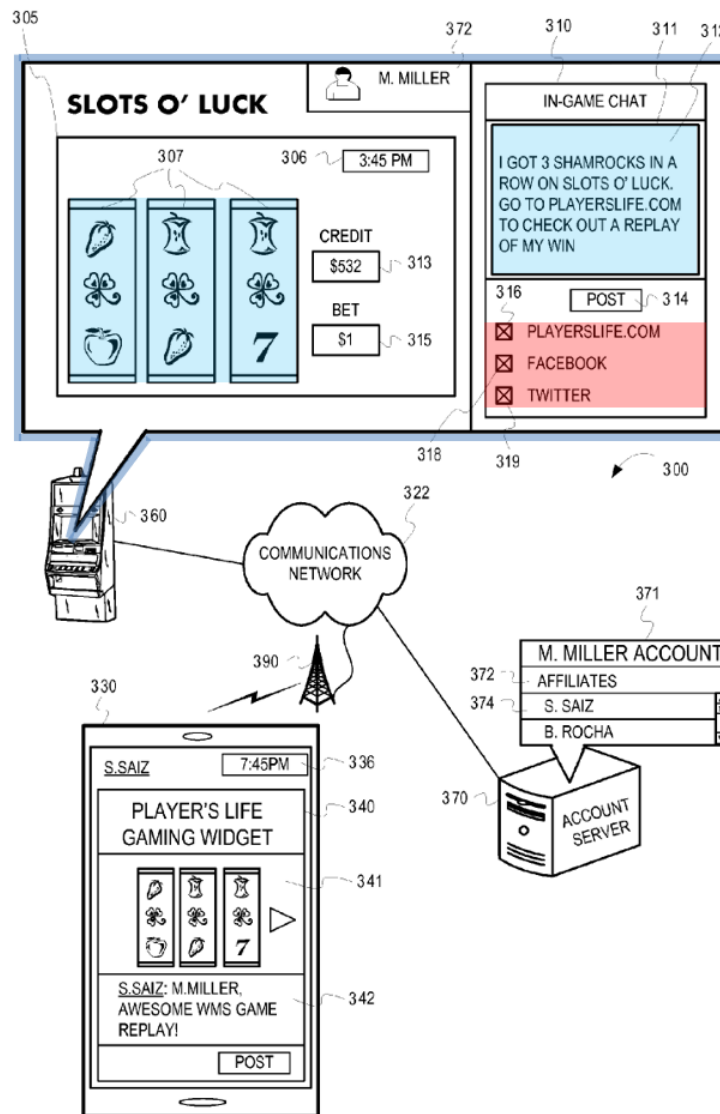


FIG. 3

As shown, *gameplay result* (three shamrocks in a row) is posted to a “social

network website” *Player’s Life*. (EX1006, 10:4, 13:5; EX1002, ¶334.)

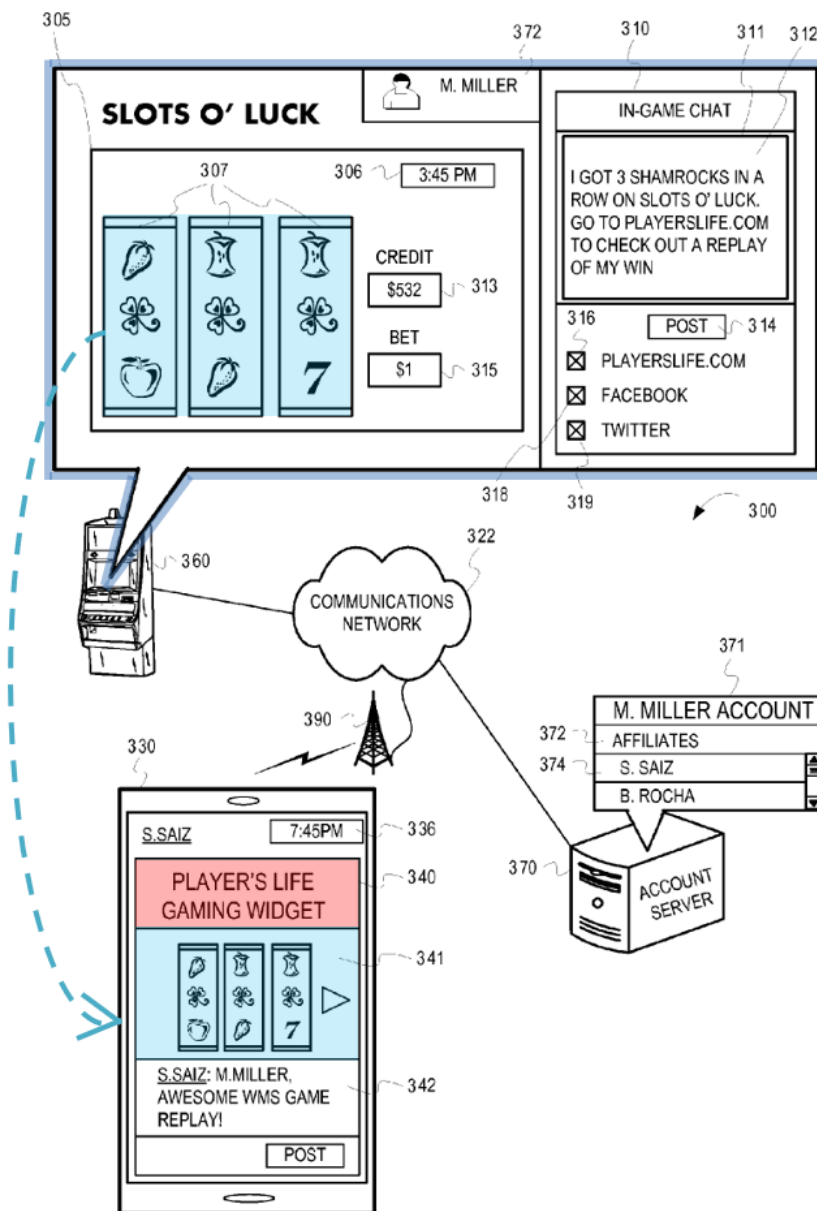


FIG. 3

Barclay '019 discloses receiving *interactions* via the *social network service* in association with the *event*. (EX1002, ¶¶335-338.) First, someone can *comment* on the *gameplay result*, as shown in FIG. 3. “[S]econd 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.)

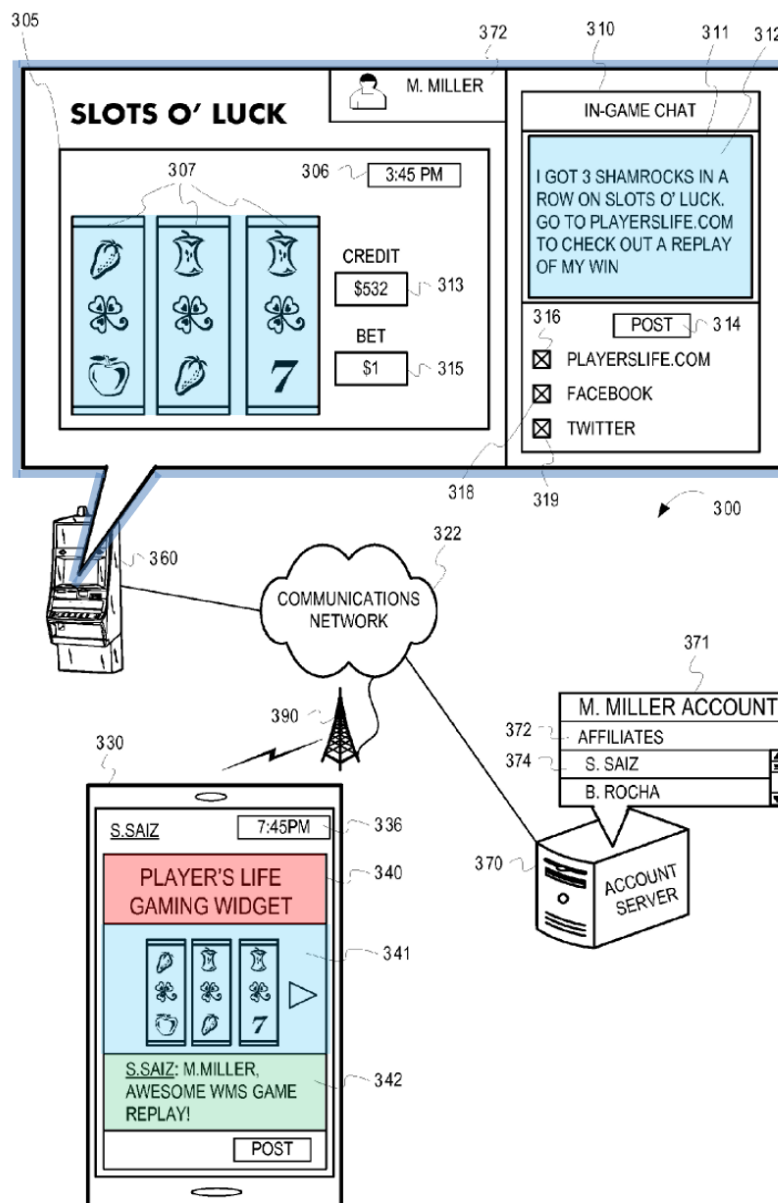


FIG. 3

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.)

- h. 1[E]: “determining an *influence* to one of the first gameplay and the second gameplay of the video gaming application based on the one or more *interactions* via the *social network service*,”

Barclay ’019 discloses this element. (EX1002, ¶¶339-348.) In the first example, the interaction is a *comment* on *gameplay result*, as shown in FIG. 3. (*Supra* §IV.E.2.g.) Based on the appearance of keywords in the *comment*

(“*interaction*”), Barclay determines an *amount of reward points* (“*influence*”) to 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.)

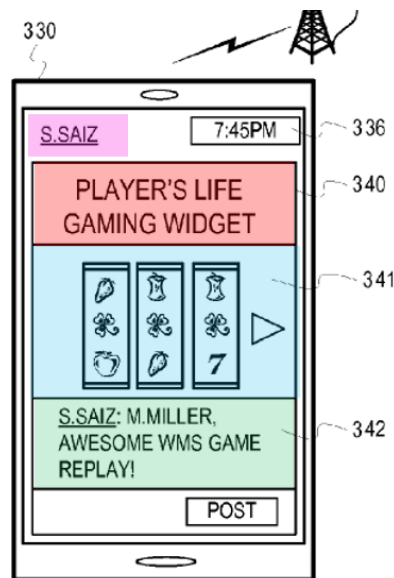


FIG. 3

(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 (or is indicative of) a *click* on *message 312* by the second user. (*Supra* §IV.E.2.g.) “[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.)

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.g.) “[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.)

In each example above, rewarding the first user would influence and modify the current "wagering game session" by the first user (*i.e.*, the first gameplay). (EX1006, 9:36.) Further, rewarding the second user would influence and modify any ongoing or future gameplay by the second user (*i.e.*, the second gameplay). (*Supra* §IV.E.2.e.) Barclay '019 contemplates that "the awards can be *in-session* encouragement, benefits, content, displays, etc." (EX1006, 7:54–61.) Thus, it would have been obvious that any of the examples above can involve providing *in-session* rewards, thus modifying ongoing gameplay sessions.

- i. 1[F]: "and *modifying* one of the first gameplay and the second gameplay of the video gaming application based on the *influence*."

Barclay discloses this element. (EX1002, ¶¶349-355.) 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*" "*gameplay*"). "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.)

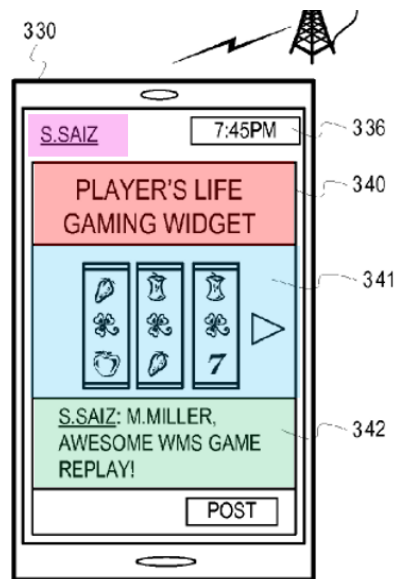


FIG. 3

(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 sever 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.h.)

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.)

As discussed above, rewarding users would modify the first and/or second gameplay. (*Supra* §IV.E.2.h.) This is consistent with the “in-game reward” described in the ’054 patent. (EX1001, FIG. 4, 26:50-67.)

3. Claim 2

Barclay ’019 discloses this claim. (*Supra* §IV.E.2.d; EX1002, ¶356.)

4. Claim 3

As discussed, Barclay ’019 enables a shared gameplay played by the same player across multiple devices. (*Supra* §IV.E.2.e.) Further, Barclay ’019 enables a

shared gameplay played by different players together. (*Id.*)

Barclay '019 discloses user devices including “a cell phone” and “a laptop.” (EX1006, 15:38–45, 19:8–16.) Thus, it would have been obvious that Barclay '019 discloses or suggests that the first player would use a laptop and the second player would use a cell phone to participate in gameplay. (EX1006, 15:38–45; *see also id.* 19:8–16; EX1002, ¶¶357-361.)

5. Claim 4

Barclay '019 discloses this claim. (EX1002, ¶¶362-363.) In the bankrolling example, the two players have different levels of capability. The bankrolling player does not actively play the game and is rewarded differently. (EX1006, 13:44–61.)

6. Claim 5

Barclay '019 discloses this claim. (EX1002, ¶¶364-366.) As discussed, Barclay '019 discloses or at least suggests allowing the same player to play a continued gameplay across multiple devices. (*Supra* §IV.E.2.e.) Further, Barclay '019 discloses various gaming platforms. (*Supra* §§IV.E.2.d, IV.E.2.f.) Thus, it would have been obvious that the same player can access the game using different platforms.

7. Claim 6

Barclay '019 discloses this claim. As discussed, Barclay '019 discloses or at

least suggests allowing different players to play different games. (*Supra* §IV.E.2.e.) Further, Barclay '019 discloses various gaming platforms all available to each player. (*Supra* §§IV.E.2.d, IV.E.2.f.) Thus, it would have been obvious that different players can play different games via the same gaming platform (e.g., mobile device providing gameplay, game console, social website providing gameplay). (EX1002, ¶¶367-370.)

8. Claim 7

Barclay '019 discloses this claim. As discussed above, Barclay '019 discloses different games played by different players. (*Supra* §IV.E.7.) Further, Barclay '019 discloses different gaming platforms. (*Supra* §§IV.E.2.d, IV.E.2.f.) Thus, it would have been obvious that Barclay '019 enables different games played by different players via a different gaming platform. (EX1002, ¶¶371-372.)

9. Claim 8

Barclay '019 discloses this claim. As discussed above, Barclay '019 discloses the first gameplay and second gameplay being a continuous gameplay by the same player across different devices (and thus different platforms). (*Supra* §IV.E.2.e.) Thus, Barclay '019 discloses gameplays that are platform agnostic as Barclay '019 supports continuous gameplay that is shared across all platforms. (See EX1001, 27:46–49; EX1002, ¶¶373-374.)

10. Claim 9

Barclay '019 discloses this claim. (EX1002, ¶¶375-376.) First, Barclay '019 discloses a *video gaming application* linked with a *social network service*. “[T]he system can *link*, or otherwise associate, a *social networking* account that belongs to the user with a *wagering game player account* that belong[s] to the user (e.g., the system can provide a tool where a user, such as Marcus Miller, can manually link his *Facebook®.com* account to his *PlayersLife.com® account*).” (EX1006, 6:34–41, *see also, id.*, 7:63–65.)

Barclay '019 discloses the linked *social network service* enables users of the video gaming application to send *text-based posts*, for example, by “publish[ing] *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.)

11. Claim 10

Barclay '019 discloses this claim. (EX1002, ¶¶377-379.) Barclay '019 enables text-based posts (e.g., message 312) to be broadcasted for an event from one first gameplay and the second gameplay, as discussed above. (*Supra* §IV.E.10; EX1006, 9:48–54; *see also id.*, 3:1–24.) “[T]he *social network server 880* can provide one or more social networking communication mechanisms that *publish (e.g., post, broadcast, etc.) a message to a mass* (e.g., to multiple people, users, social contacts, accounts, etc.).” (EX1006, 18:17–33; *see also id.*, 2:64–

3:14, 6:33–44.)

The text-based post (*e.g.*, message 312) broadcasted is for an *event* from one of the gameplays as it relates to the *gameplay results*. (EX1006, 9:48–54; *see also id.*, 3:1–24.)

12. Claim 11

Barclay '019 discloses that the video gaming application is linked with a social network application (*Playerslife.com*, *Facebook.com*, *Twitter.com*,) that enables social network activities (*e.g.*, comments, clicks, views on a social website) to affect one of the first gameplay and the second gameplay. (*Supra* §IV.E.10, claim 1; EX1002, ¶¶380-381.)

13. Claim 12

Barclay '019 discloses this claim. (EX1002, ¶¶382-385.) Barclay '019 discloses an implementation where “the 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.) In other words, the same Barclay '019 server can host both the *video gaming application* and the *social network application*. In this implementation, it would have been obvious that the developer would deploy the social network application as part of the video gaming application. (EX1002, ¶¶383.)

Further, Barclay '019 discloses that “web server 890 can host *an online*

wagering website and/or *a social networking website*.” (EX1006, 18:34–47.)

Similarly here, it would have been obvious that the developer would deploy the social network application as part of the video gaming application on the same website. (EX1002, ¶384.)

14. Claim 13

Barclay ’019 discloses this claim. (EX1002, ¶¶386-388.) For example, it discloses stand-alone third-party *social network applications* such as *PlayersLife.com*, *Facebook* and *Twitter*. (*Supra* §IV.E.10.) As shown in FIG. 3, *PlayersLife.com* is a stand-alone application from the *gaming application* on the wagering machine. (EX1006, FIG. 3.) It would have been obvious to a POSITA that *Facebook* and *Twitter* are similarly stand-alone applications, and that they are third-party applications to the game developer of Barclay ’019 (assigned to WMS Gaming, Inc.). (*See also* EX1006, 18:57–59.) The *social network applications* are coupled to the *video gaming application* as discussed above. (*Supra* §IV.E.10.)

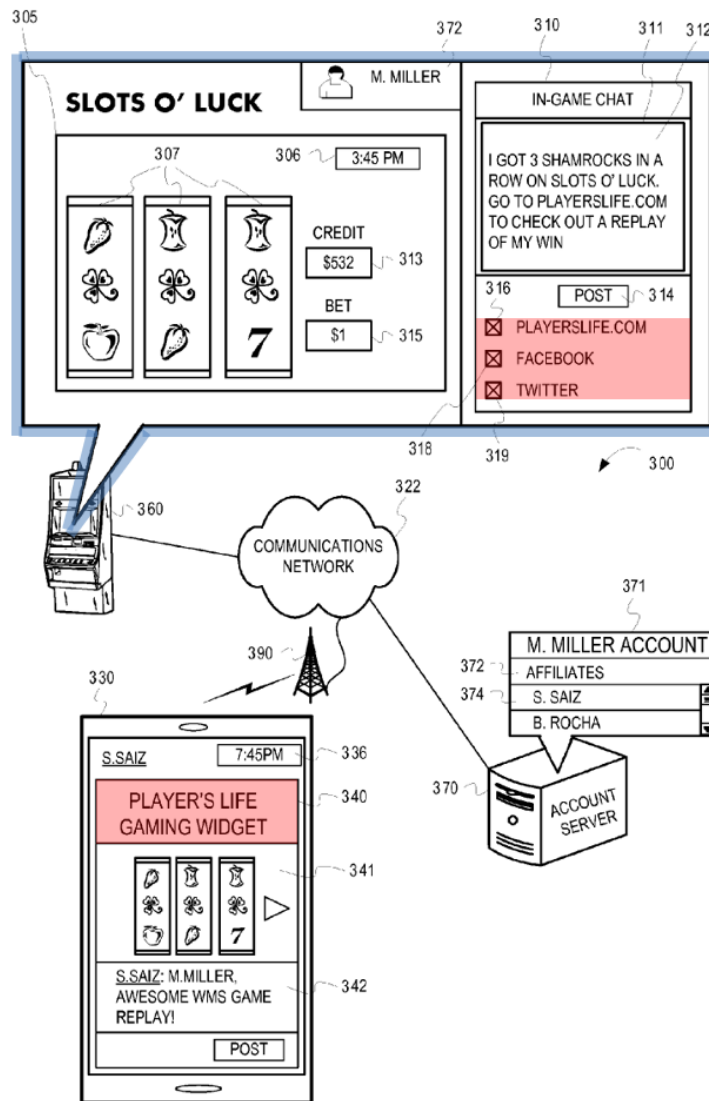


FIG. 3

15. Claim 14

a. 14[PR]

To the extent limiting, Barclay '019 discloses this preamble. (*Supra* §§IV.E.2.a, IV.E.2.b.) 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; EX1002, ¶389.)

b. 14[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, ¶390.)

c. 14[B]: “and a memory storing instructions that, when executed by the one or more processors, cause the system to:”

Barclay '019's 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.” (EX1006, claims 17–20, 22; *see also id.*, 19:50–20:35; *supra* §§IV.E.2.a, IV.E.2.b ; EX1002, ¶391.)

d. 14[C][1]–[C][6]

Barclay '019 discloses these claim elements. (*Supra* §§IV.E.2.b–IV.E.2.i; EX1002, ¶¶392–397.)

16. Claim 15–20

Barclay '019 discloses claim 15 (*supra* §IV.E.3), 16 (*supra* §IV.E.4), 17 (*supra* §IV.E.5), 18 (*supra* §IV.E.6), 19 (*supra* §IV.E.9), and 20 (*supra* §IV.E.12). (EX1002, ¶¶398–403.)

F. Ground 6: Barclay '019 and Barclay '363 Render Obvious Claims 1–20.

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, 175.) The Examiner did not apply Barclay '363 in the Office Actions. (EX1002, ¶¶404-405.)

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].)

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, ¶¶406-407.) They are analogous art directed to integrating social networking functionality with wagering-game systems. (EX1006, Abstract, 2:40-56; EX1007, Title, Abstract, [0041].)

Barclay '019 itself discloses claim 1. But to the extent claim 1 requires additional gameplay modifications beyond Barclay '019's reward mechanisms (not conceded), the combination discloses this. (EX1002, ¶408.) 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]; EX1002, ¶410.) 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. 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, ¶¶409-413.)

3. Claim 1

a. 1[PR]–1[B][2]

The combination discloses these elements. (*Supra* §§IV.F.2, IV.E.2.a–IV.E.2.d; EX1002, ¶¶414-417.)

b. 1[C][1]–1[C][2]

The combination discloses these elements. (*Supra* §§IV.F.2, IV.E.2.e–IV.E.2.f.) Further, Barclay '363 discloses continuous gameplay by the same player across multiple devices. “For example, the system 500 can require that a player perform *certain activities using the wagering game machine 560, or on different wagering game machines*” and “unlock access to . . . different levels of the game application 548, once the player performs the activities.” (EX1007, [0081]; EX1002, ¶¶418-422.)

c. 1[D]: “receiving one or more *interactions* via a *social network service* in association with an *event* from one of the first gameplay and the second gameplay of the video gaming application;”

The combination discloses this element. (*Supra* §§IV.F.2, IV.E.2.g, EX1002, ¶¶424-427.) FIG. 4 of Barclay '363 shows an *event* (winning of 500 credits) posted to the *social network service* (“FACEPAGE”). “The system 400 transfers a *message of the win* to the *social network server 480*” (EX1007, [0067]; *see also id.*, [0070].)

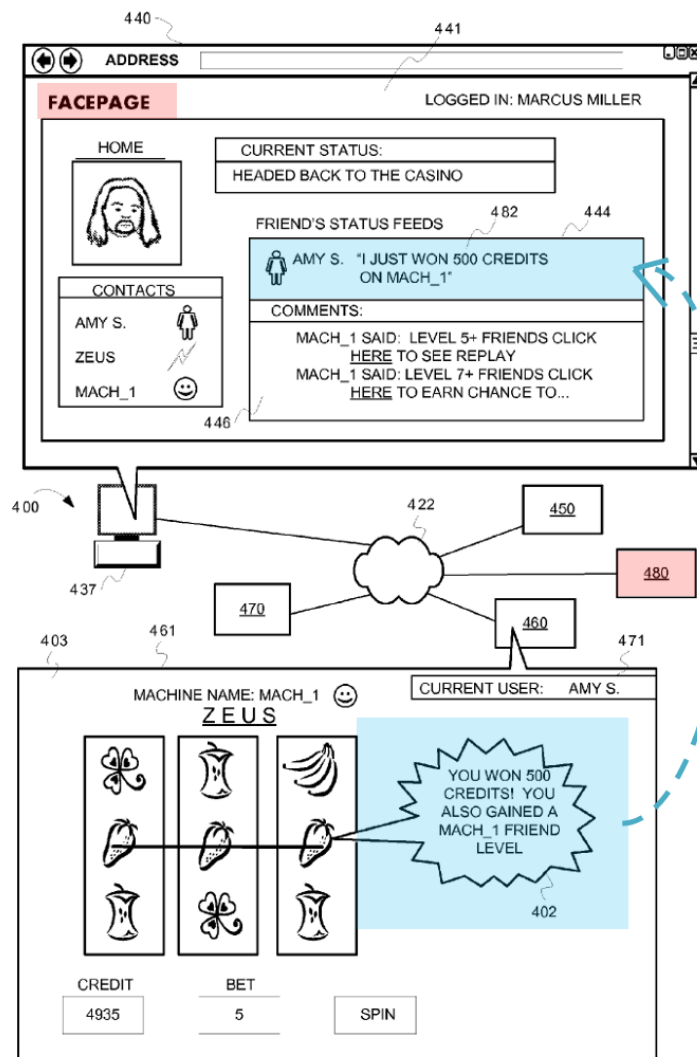


FIG. 4

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], [0083].)

- d. 1[E]: “determining an *influence* to one of the first gameplay and the second gameplay of the video gaming application based on the one or more *interactions* via the social network service;”

The combination discloses this element. (*Supra* §§IV.F.2, IV.E.2.h; EX1002, ¶¶428-429.) “[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 are discussed below. (*Infra* §1[F].)

- e. 1[F]: “and **modifying** one of the first gameplay and the second gameplay of the video gaming application based on the **influence**.”

The combination discloses this element. (*Supra* §§IV.F.2, IV.E.2.i; EX1002, ¶¶430-436.)

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.

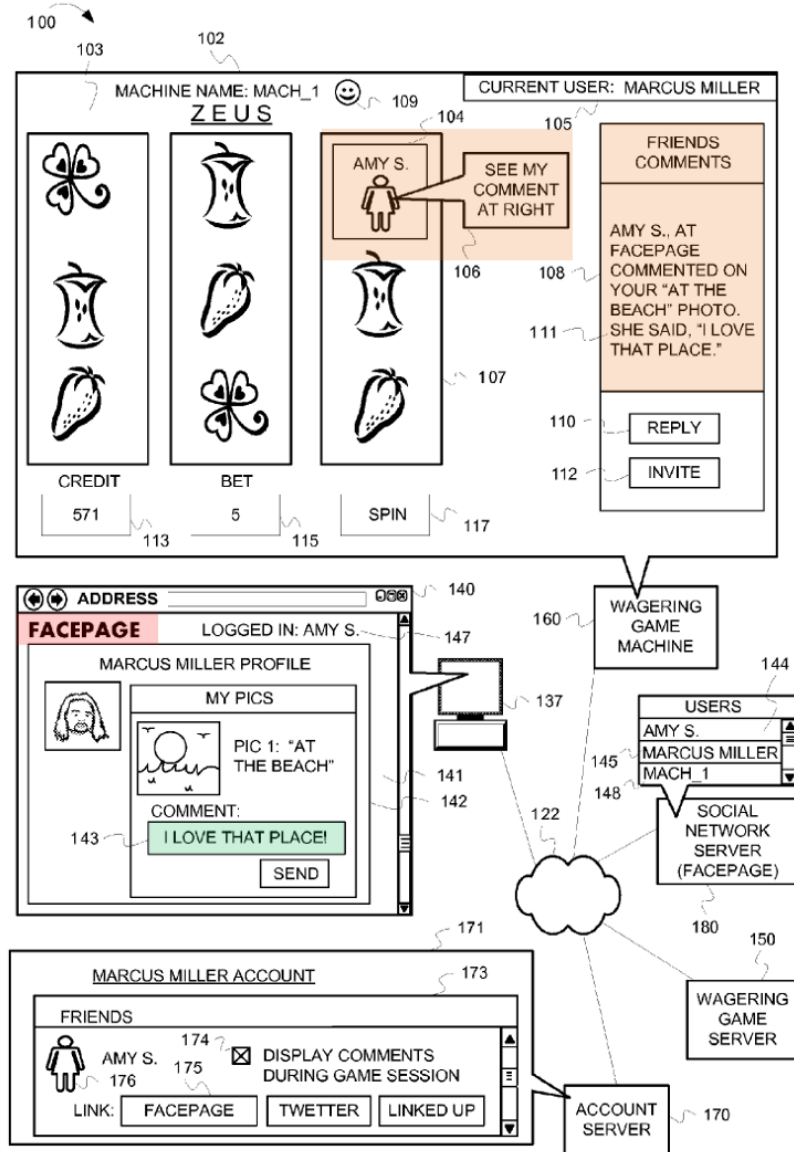


FIG. 1

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. Claim 2

The combination discloses this claim. (*Supra* §§IV.F.2, IV.E.3; EX1002, ¶437.)

5. Claim 3–5

The combination discloses these claims. (*Supra* §§IV.F.2, IV.E.4–IV.E.6; EX1002, ¶¶438-448.) Regarding claim 3, Barclay ’363 discloses additional shared gameplays. For example, the second gameplay can be “friend accounts’ comments to influence a gaming effect during the wagering game player account’s wagering game session.” (EX1007, [0082]–[0083].) Regarding claim 4, the second player has limited capability in the shared gameplay because he only has commenting or voting power.

Further regarding claim 3, Barclay ’363 discloses continuous gameplay by the same player across multiple devices. (*Supra* §§IV.E.2.e–IV.E.2.f.) This also discloses claim 5.

6. Claims 6–11

The combination discloses these claims. (*Supra* §§IV.F.2, IV.E.7–IV.E.12; EX1007, [0073], [0066]; EX1002, ¶¶449-454.)

7. Claim 12

The combination discloses this claim. (*Supra* §§IV.F.2, IV.E.13; EX1002, ¶455.) Barclay '363 discloses a “*comment application 108* [that] can present a comment copy 111 as well as controls to reply to the comment.” (EX1007, [0047].) The comment copy 111 corresponds to a comment by social network user Amy S on a *social networking website (e.g., Facepage)*. “The comment application 108 may be an *integrated feature* of the wagering game application 103.” (EX1007, [0047], FIG. 1; *see also id.*, [0048].) Thus, Barclay '363 also discloses including the *social network application* in the *video gaming application*.

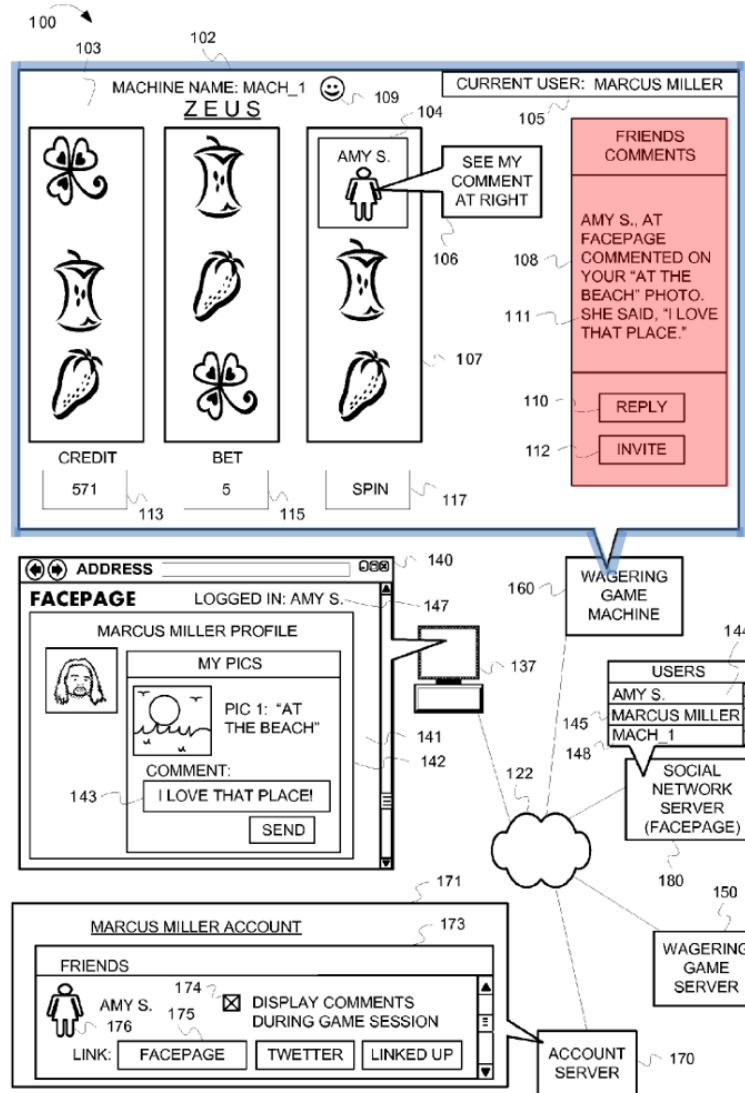


FIG. 1

8. Claim 13

The combination discloses this claim. (*Supra* §§IV.F.2, IV.E.14.) Barclay '363 states that “**social networks** can be hosted by social network servers separate from, and/or external to, the wagering game network [hosting the **video gaming application**].” (EX1007, [0066], FIG. 1; *see also id.*, [0057].) As shown

below, **Facepage** is a stand-alone third-party application coupled to the **video gaming application**. (EX1002, ¶456.)

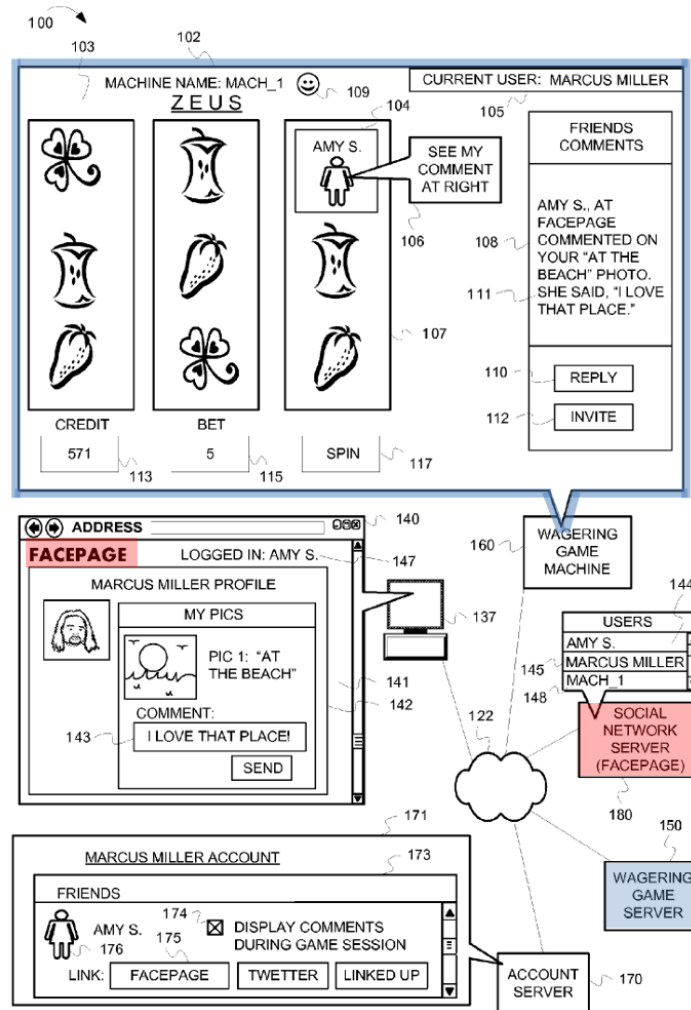


FIG. 1

9. Claims 14–20

The combination discloses these claims. (*Supra* §§IV.F.2, IV.E.15–IV.E.16, IV.F.3–IV.F.6; EX1002, ¶¶457-463.)

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 parties-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).

Lead Counsel	Backup Counsel
Alex S. Yap Registration No.: 60,609 MORRISON & FOERSTER LLP 707 Wilshire Blvd., Suite 6000 Los Angeles, CA 90017 Tel: (213) 892-5200 Fax: (213) 892-5454 Email: AYap@mofo.com	Mehran Arjomand Registration No.: 48,231 MORRISON & FOERSTER LLP 707 Wilshire Blvd., Suite 6000 Los Angeles, CA 90017 Tel: (213) 892-5200 Fax: (213) 892-5454 Email: MArjomand@mofo.com Yunan Yuan Registration No.: 73,637 MORRISON & FOERSTER LLP 755 Page Mill Road Palo Alto, CA 94304-1018 Tel: (650) 813-5600 Fax: (650) 494-0792 Email: AYuan@mofo.com

Pursuant to 37 C.F.R. § 42.8(b)(4), service information for lead and back-up

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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 '054 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. **78194-00000.83**.

Dated: July 22, 2026

Respectfully submitted,

By /s/ Alex S. Yap

Alex S. Yap

Registration No.: 60,609

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Counsel for Petitioner

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

I hereby certify that this Petition for *Inter Partes* Review has 13,870 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: July 22, 2026

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

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Patent No. 11,731,054

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. 11,731,054:

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

Dated: July 22, 2026

/s/ Alex S. Yap

Alex S. Yap