

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. 9,889,373

Inter Partes Review No. IPR2026-00514

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

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. THE '373 PATENT	2
A. Summary	2
B. Effective Filing Date	2
C. Prosecution History	3
D. Level of Ordinary Skill in the Art	4
III. CLAIM CONSTRUCTION	4
IV. PRECISE REASONS FOR RELIEF REQUESTED	5
A. Ground 1: Barclay '019 Renders Obvious Claims 1-14.	6
1. Summary of Barclay '019	6
2. Claim 1	11
3. Claim 2	30
4. Claim 3	32
5. Claim 4	35
6. Claim 5	37
7. Claim 6	40
8. Claim 7	41
9. Claim 8	42
10. Claims 9-14	43
B. Ground 2: Barclay '019 and Barclay '363 Render Obvious Claims 1-14.	43
1. Summary of Barclay '363	43
2. A POSITA would have been motivated to combine Barclay '019 and Barclay '363.	44
3. Claim 1	46
4. Claim 3	53
5. Claims 2, 4-7	56

TABLE OF CONTENTS
(continued)

	Page
6. Claim 8.....	57
7. Claims 9-14.....	57
C. Ground 3: FarmVille and Tweet Land Render Obvious Claims 1-14.....	57
1. Summary of FarmVille	57
2. Summary of Tweet Land	61
3. A POSITA would have been motivated to combine FarmVille and Tweet Land.	63
4. Claim 1	67
5. Claim 2.....	87
6. Claim 3.....	88
7. Claim 4.....	91
8. Claim 5.....	92
9. Claim 6.....	92
10. Claim 7.....	93
11. Claim 8.....	94
12. Claims 9-14.....	96
D. Ground 4: FarmVille, Tweet Land, and Zynga Patent Render Obvious Claims 1-14.....	96
1. Summary of Zynga Patent	96
2. A POSITA would have been motivated to combine FarmVille-Tweet Land and Zynga Patent.	96
3. Claim 1	98
4. Claim 3.....	99
5. Claim 5.....	100
6. Claim 7.....	101

TABLE OF CONTENTS
(continued)

	Page
7. Claims 2, 4, 6	101
8. Claim 8	101
9. Claims 9-14	102
V. NOTICES AND STATEMENTS	102

Exhibit List

Exhibit Description	Exhibit #
U.S. Patent No. 9,889,373 to Wiklem <i>et al.</i> (“’373 patent”)	EX1001
Expert Declaration of Dr. Henry Houh	EX1002
File History of U.S. Patent No. 9,889,373	EX1003
Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011) (“FarmVille”)	EX1004
Chris Herbert, “Kickstarter Project – Tweet Land: Playing With Reality”, available at https://web.archive.org/web/20111010055037/https://www.macstories.net/news/kickstarter-project-tweet-land-playing-with-reality/ , Internet Archive (“Tweet Land”)	EX1005
U.S. Patent No. 8,671,019 to Barclay (“Barclay ’019”)	EX1006
U.S. Patent Pub. No. 2012/0184363 to Barclay (“Barclay ’363”)	EX1007
U.S. Patent No. 8,790,182 to Ajami <i>et al.</i> (“Zynga patent”)	EX1008
RESERVED	EX1009
Villalobos <i>et al.</i> , “Tweet Land – The first set of games that play with reality!”, available at https://web.archive.org/web/20110808172606/http://www.kickstarter.com/projects/nestorvc/tweet-land-the-first-set-of-games-that-play-with-r , Internet Archive	EX1010
Daniella Jaeger, “Creator Q&A: Tweet Land”, available at https://web.archive.org/web/20110810091733/https://www.kickstarter.com/blog/creator-q-a-tweet-land , Internet Archive	EX1011
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Exhibit Description	Exhibit #
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Jared Nelson, “‘Tweet Land’ Review – A Great Idea, but Flawed Gameplay”, available at https://web.archive.org/web/20120206054222/https://toucharcade.com/2012/02/03/tweet-land-review/ , Internet Archive	EX1014
RESERVED	EX1015
Kellie Cardwell-Winters, “FarmVille Walkthrough”, available at https://www.gamezebo.com/walkthroughs/farmville-walkthrough/	EX1016
Calin, “FarmVille Barn Raising Adds More Storage!”, available at https://web.archive.org/web/20100114103010/https://www.unigamesity.com/farmville-barn-raising-adds-more-storage/ , Internet Archive	EX1017
RESERVED	EX1018
Chris Herbert, “Kickstarter Project – Tweet Land: Playing With Reality”, available at https://www.macstories.net/news/kickstarter-project-tweet-land-playing-with-reality/	EX1019
RESERVED	EX1020
Declaration of Tony Corsini on the scanned pages of Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011)	EX1021
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

Exhibit Description	Exhibit #
Declaration of Mina Ching on the Wayback archived webpages https://web.archive.org/web/20100627153509/http://www.amitbhawani.com/blog/play-farmville-iphone-ipad/, https://web.archive.org/web/20111010055037/https://www.macstories.net/news/kickstarter-project-tweet-land-playing-with-reality/, https://web.archive.org/web/20120206054222/https://toucharcade.com/2012/02/03/tweet-land-review/, https://web.archive.org/web/20110808172606/http://www.kickstarter.com/projects/nestorvc/tweet-land-the-first-set-of-games-that-play-with-r, https://web.archive.org/web/20110810091733/https://www.kickstarter.com/blog/creator-q-a-tweet-land, https://web.archive.org/web/20110524231942/https://toucharcade.com/2011/04/15/curious-kickstarter-funded-ios-game-tweet-land-surfaces/, https://web.archive.org/web/20111103054838/https://www.sec.gov/Archives/edgar/data/1439404/000119312511190294/dex1016.htm, https://web.archive.org/web/20100114103010/https://www.unigamesity.com/farmville-barn-raising-adds-more-storage/, https://web.archive.org/web/20120305011624/http://blog.roblox.com/2008/09/be-our-guest-buy-our-robux/, Internet Archive	EX1024
RESERVED	EX1025
Akhilesh Sharma, “Make Facebook Photos & Posts Private”, available at https://web.archive.org/web/20120311090006/http://www.tweakandtrick.com/2012/03/make-facebook-photos-posts-private.html, Internet Archive	EX1026
RESERVED	EX1027
U.S. Patent No. 9,177,346 to Ahrens <i>et al.</i> (“Facebook patent”)	EX1028
RESERVED	EX1029
RESERVED	EX1030

Exhibit Description	Exhibit #
Declaration of Mina Ching on the Wayback archived webpages https://web.archive.org/web/20120311090006/http://www.tweakandtrick.com/2012/03/make-facebook-photos-posts-private.html , https://web.archive.org/web/20080730184142/https://www.w3.org/TR/2008/REC-mobile-bp-20080729 , https://web.archive.org/web/20110704113245/http://www.casualgameguides.com/games/guide/game_guide.cfm/Farm_Mania-Walkthrough/Cheats-1/game_id-3628 , https://web.archive.org/web/20110507235602/https://techcrunch.com/2011/03/31/facebook-now-has-250-million-mobile-users-and-a-new-unified-mobile-website-to-match , Internet Archive	EX1031
U.S. Patent No. 10,632,388 to Wiklem <i>et al.</i>	EX1032

Claims Listing

Claim	<u>Limitation #</u>	Limitation
1	1[PR]	A computer-implemented method for implementing a multilayer architecture for video gaming, comprising:
	1[A]	providing a video gaming environment hosted on a server;
	1[B]	providing access, using the server, to the video gaming environment by a plurality of user devices associated with a plurality of users;
	1[C][1]	and designating, using the server, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment,
	1[C][2]	the plurality of status levels including a first player status level that accords full access and play within the video gaming environment,
	1[C][3]	a second player status level that accords restricted access and play within the video gaming environment;
	1[C][4]	and a third player status level that accords reactive access and play within the video gaming environment,
	1[C][5]	the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level
	1[C][6]	affects elements of gameplay on the video gaming environment.

Claim	<u>Limitation #</u>	Limitation
2	2	A computer-implemented method according to claim 1, wherein the plurality of users access the video gaming environment via the user devices including at least one of a group of a personal computer, a laptop, a mobile device, a gaming console, and a tablet.
3	3	A computer-implemented method according to claim 1, wherein the video gaming environment is hosted in association with a social network server.
4	4	A computer-implemented method according to claim 1, wherein the video gaming environment is hosted on a third party server.
5	5	A computer-implemented method according to claim 1, wherein the video gaming environment is hosted in a cloud of distributed servers.
6	6	A computer-implemented method according to claim 1, wherein the video gaming environment is hosted on a cross-platform server accommodating access by all the user devices.
7	7	A computer-implemented method according to claim 1, wherein the plurality of users access the video gaming environment for concurrent play.
8	8[PR]	A system for implementing a multilayer architecture for video gaming,
	8[A][1]	comprising a processor
	8[A][2]	and a memory, wherein the memory provides instructions that cause the processor to:
	8[B]	provide a video gaming environment hosted on a server;

Claim	<u>Limitation #</u>	Limitation
	8[C]	provide access to the video gaming environment by a plurality of user devices associated with a plurality of users;
	8[D][1]	designate a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment,
	8[D][2]	the plurality of status levels including a first player status level that accords full access and play within the video gaming environment,
	8[D][3]	a second player status level that accords restricted access and play within the video gaming environment;
	8[D][4]	and a third player status level that accords reactive access and play within the video gaming environment,
	8[D][5]	the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level
	8[D][6]	affects elements of gameplay on the video gaming environment.
9	9	A system according to claim 8, wherein the plurality of users access the video gaming environment via the user devices including at least one of a group of a personal computer, a laptop, a mobile device, a gaming console, and a tablet.
10	10	A system according to claim 8, wherein the video gaming environment is hosted in association with a social network server.

Claim	<u>Limitation #</u>	Limitation
11	11	A system according to claim 8, wherein the video gaming environment is hosted on a third party server.
12	12	A system according to claim 8, wherein the video gaming environment is hosted in a cloud of distributed servers.
13	13	A system according to claim 8, wherein the video gaming environment is hosted on a cross-platform server accommodating access by all of the user devices.
14	14	A system according to claim 8, wherein the plurality of users access the video gaming environment for concurrent play.

Petitioner Twitch Interactive, Inc. respectfully petitions for *inter partes* review of claims 1-14 of U.S. Patent No. 9,889,373 (EX1001) per 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*

I. INTRODUCTION

The '373 patent is directed to using social-network comments to “affect[] elements of gameplay” in a video gaming environment. (EX1001, claim 1.) In the Notice of Allowance, the Examiner alleged “[t]here is no teaching or suggestion in the art of a video gaming environment . . . wherein a comment posted on a social network post affects at least one element of gameplay.” (EX1003, 362.) This is wrong. By 2012, comments on Facebook and Twitter were ubiquitous, and video games that affect elements of gameplay based on them were not only well-known, but also widely practiced. (*See, e.g.*, EX1004; EX1005; EX1006; EX1007.)

Patent Owner now seeks to exploit the Examiner’s errors against Twitch—“the company that basically invented livestreaming in the US”—and the livestreaming industry. (EX1022, 2.) 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 '373 patent and remain central to game mechanics today. The Director should institute review of the '373 patent to protect

our robust patent system and a critical segment of our nation's economy.

II. THE '373 PATENT

A. Summary

The '373 specification is significantly shorter than later members of the patent family. (*See generally, e.g.*, EX1032.) It broadly describes different player statuses. Particularly, “[t]he video gaming platform assigns a status to the user, . . . for example, designating the user as a ‘*leader*,’ a ‘*follower*,’ a ‘*bystander*’ or any other designation used by the video gaming application. Each of these designations imposes limits on play associated with them. For example, . . . a ‘*leader*’ is permitted to play the entire game whereas a ‘*follower*’ is permitted to play only a portion of the game. The video gaming platform modifies player capabilities based on user status . . . accord[ing] full play capabilities to a ‘*leader*,’ ‘restricted’ or ‘limited’ play capabilities to a ‘*follower*’ and . . . capability to ‘influence’ play with keyword responses to a ‘*bystander*.’” (EX1001, 11:52-64.) “A user with ‘*bystander*’ status may influence the game by responding to wall posts or responding with a key word.” (*Id.*, 12:21-23.)

B. Effective Filing Date

The '373 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, ¶18.)

C. Prosecution History

The application that matured into the '373 patent was filed on May 7, 2013. (EX1001, 1.) Although there were five Office Actions, Applicant overcame the first two Office Actions without addressing the substance of the cited reference. (EX1002, ¶¶35-39.) Instead, Applicant merely argued that the Examiner's reliance on the cited reference was improper due to the earlier claimed priority date. (EX1003, 171-173, 209-211; *see also id.*, 146, 183, 218, 260, 329.)

The rest of prosecution focused on narrowing the claimed "third player status." In response to the third and fourth Office Actions, Applicant added multiple requirements related to the claimed "third player status." (EX1003, 245-246, 297, 299.) In the last Office Action, the Examiner introduced a reference describing Facebook newsfeed comments to a game-related post that affected the Facebook newsfeed, rather than the game itself. (*Id.*, 333.) Applicant never responded to the Office Action. Instead, the Examiner proceeded to allow the application with an Examiner amendment, nominally changing the requirement that the keyword response "influences gameplay" to require that it "affect[s] *elements of* gameplay on the video gaming environment." (*Id.*, 360-361.)

In the Notice of Allowance, the Examiner alleged "[t]here is no teaching or suggestion in the art of a video gaming environment that is associated with a plurality of users and a social media network wherein a comment posted on a

social network post affects at least one element of gameplay.” (EX1003, 362.)

But this is wrong. As discussed below, comments on Facebook and Twitter were already ubiquitous by 2012, and video games that affect elements of gameplay based on such comments were not only well-known, but also widely practiced. (*Infra* §§IV.A, IV.C.) Thus, the distinction the Examiner relied on to allow the claims was not novel at all—it was already taught in the prior art.

D. Level of Ordinary Skill in the Art

A person of ordinary skill in the art (POSITA) in the field of the ’373 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, ¶¶45-47.)

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, ¶48.)

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, ¶¶49-54), which are prior art *at least* under the following provisions.

Prior Art Reference	Abbreviation (Exhibit No.)	Prior Art Basis
Angela Morales <i>et al.</i> , “FarmVille For Dummies” (Wiley Publishing, 2011)	FarmVille (EX1004)	§102(a) and (b)
Chris Herbert, “Kickstarter Project – Tweet Land: Playing With Reality”	Tweet Land (EX1005)	§102(a)
U.S. Patent No. 8,790,182 to Ajami et al.	Zynga Patent (EX1008)	§102(e)
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	1-14	Barclay '019
2	103	1-14	Barclay '019, Barclay '363
3	103	1-14	FarmVille, Tweet Land
4	103	1-14	FarmVille, Tweet Land, Zynga Patent

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: Barclay '019 Renders Obvious Claims 1-14.

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, ¶¶55-60.)

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

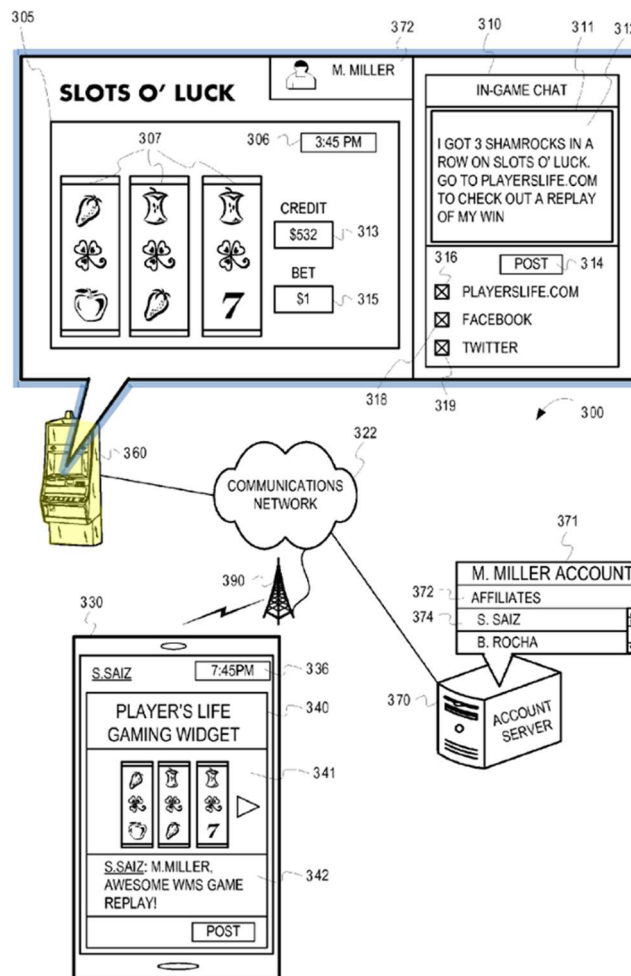


FIG. 3

(EX1006.)

From the wagering machine, a “*player [M. Miller]*” can receive a specific gameplay result (e.g., a random result of three shamrocks in a row . . .)” and “publish[] the message 312 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* (three shamrocks in a row) is posted on Playerslife, as shown on *S. Saiz*’s mobile device.

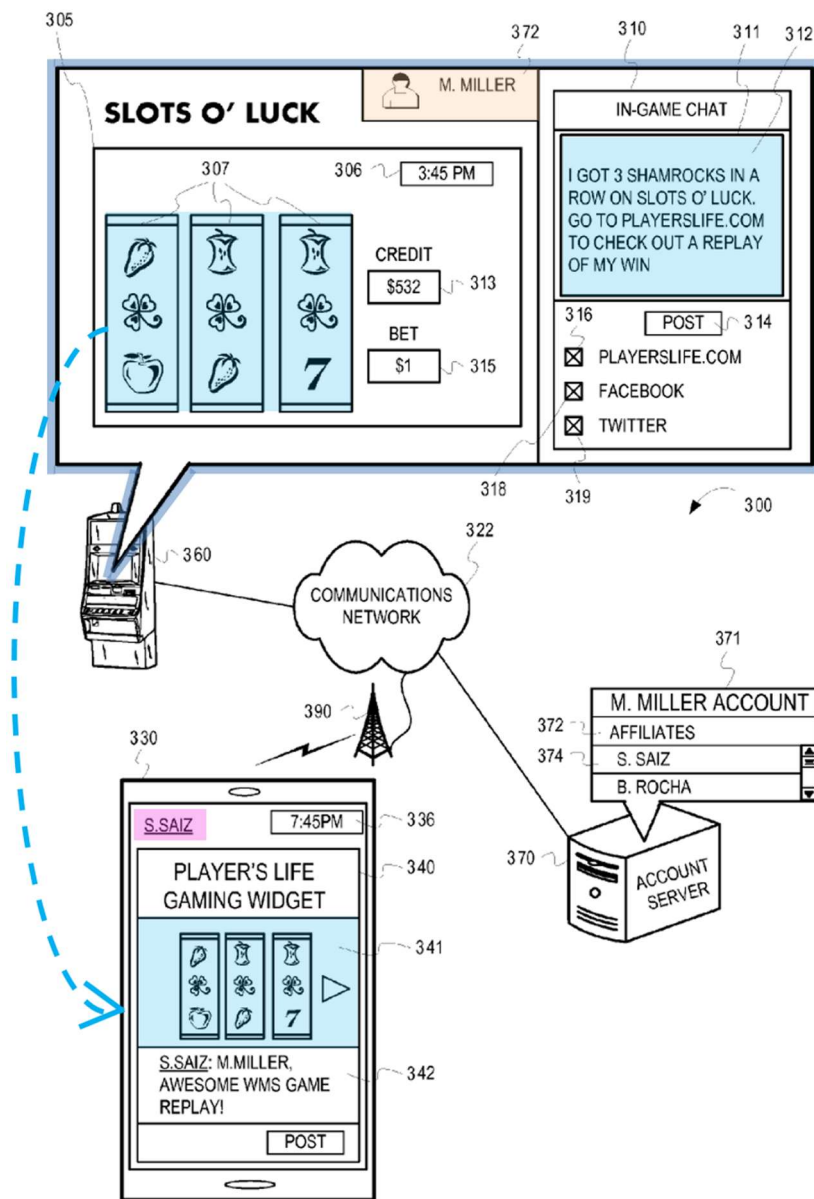


FIG. 3

(EX1006.)

A “*social contact of the first user (e.g., a second user, S. Saiz*, who is a friend of the *first user, Marcus Miller*), may view a *publication of the message 312* via the mobile device 330” and “post[] a *comment 342*.” (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 (e.g., via user account 374) the default point value 133C* for the usage of the key phrase 132C.”

(*Id.*, 10:11-15.)

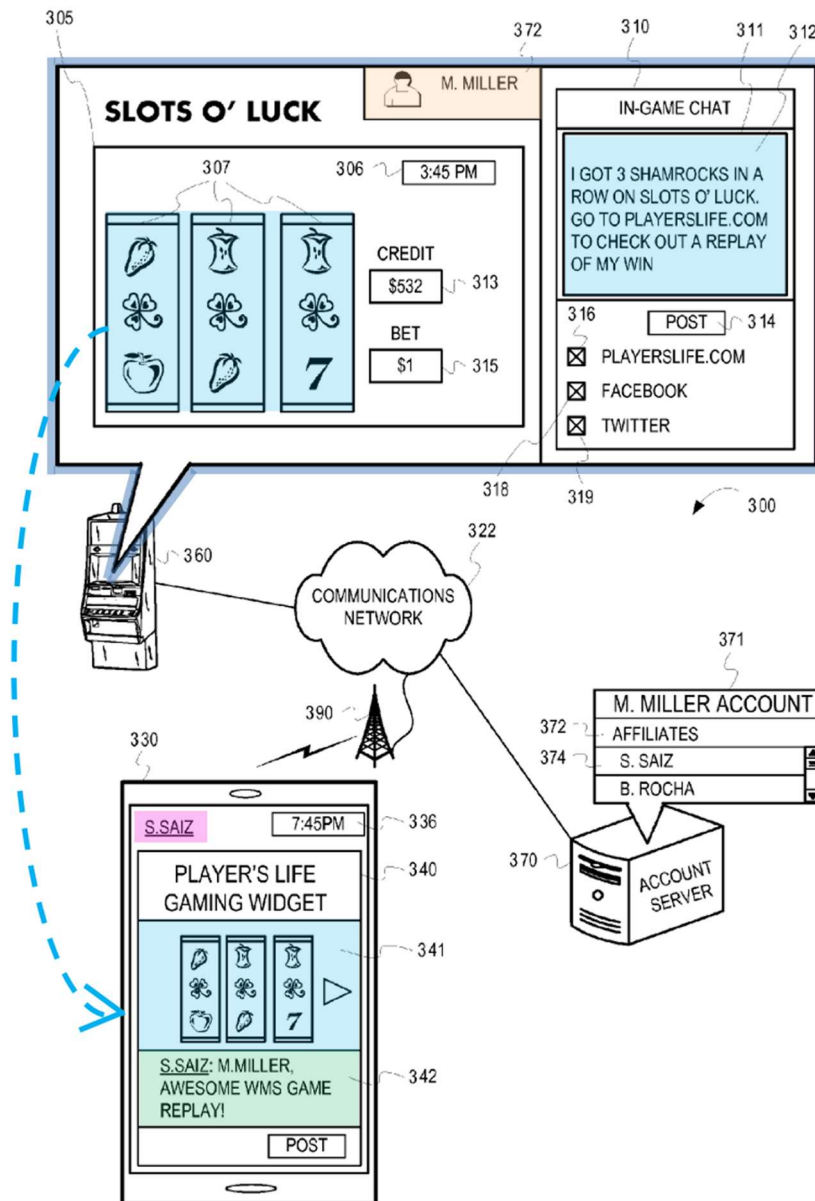


FIG. 3

(EX1006.)

Further, Barclay '019 discloses a “*bankrolling player*,” who “can offer a

certain amount of points to win if *another player*, at the bank, hits a specific gaming event (e.g., four of a kind, a specific reel-stop combination, etc.). If the *other player* achieves the specific gaming event, then the *other player wins the points bankrolled by the first player*. The *first player* that bankrolled the points could also *win points for initiating a points wagering session that utilized the player's bankroll of points*.” (EX1006, 13:45-56.)

Barclay '019 discloses a *gaming server* performing the operations above. Referring to FIG. 1, “*server 150* can parse the message [] and search for first phrases (e.g., words or combinations of words) that match . . . key words or phrases, as indicated in a list 130.” (EX1006, 3:32-36.) “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.” (*Id.*, 10:14-16.)

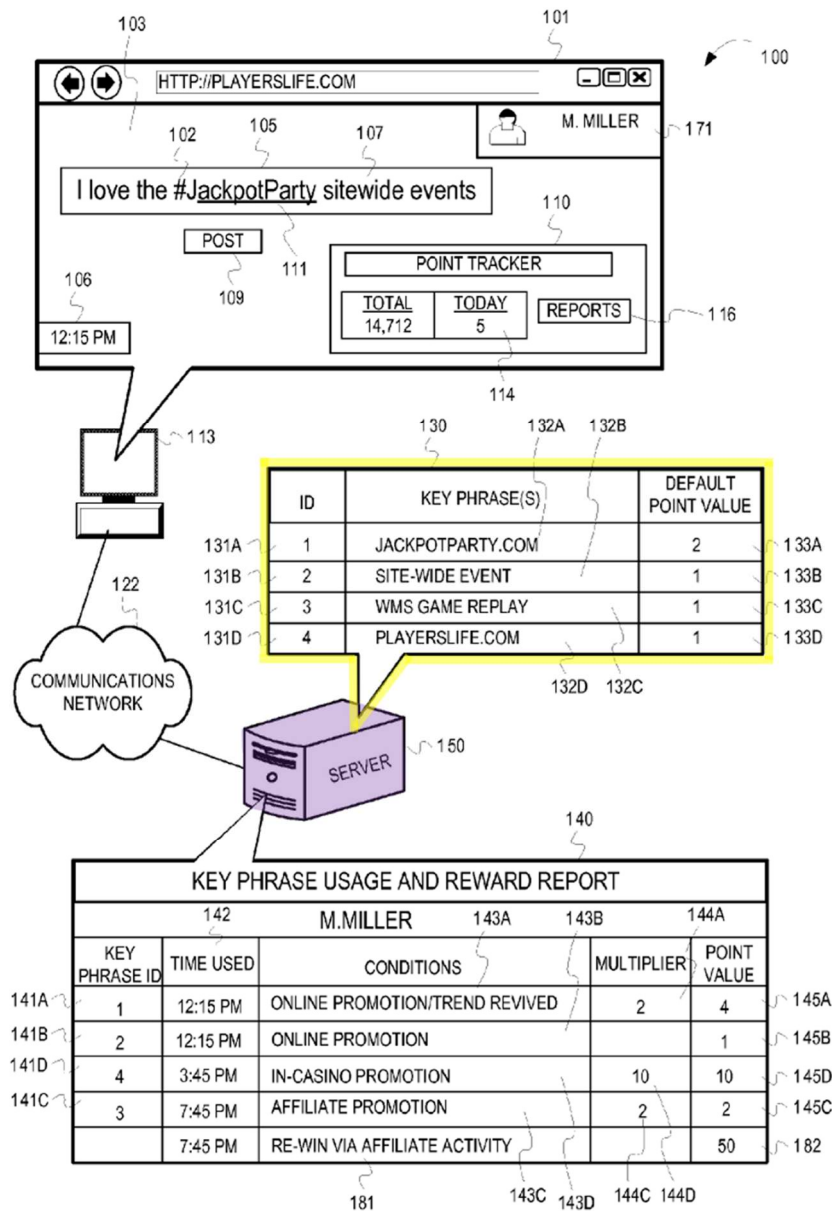


FIG. 1

(EX1006.)

2. Claim 1

a. 1[PR]: "A computer-implemented method for implementing a multilayer architecture for video gaming, comprising:"

To the extent limiting, Barclay '019 discloses this preamble. (EX1002,

¶¶61-64.)

First, Barclay '019 discloses video gaming. For example, “the wagering game unit 1132 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.)

Second, Barclay discloses implementing a *multilayer architecture* for video gaming. The '373 patent does not provide a definition of “multilayer architecture,” but describes it as offering different video gaming capabilities or levels of play. (See, e.g., EX1001, Abstract (“A multilayer framework and architecture with *variable video or digital gaming capabilities provides multiple levels of play*, permitting players to engage in different ways.”), 1:32-34, 3:54-58 (“The present technology is directed to a multilayer or multi-tier architecture or framework for video games or video gaming applications with *variable video gaming capabilities accorded to players or gamers.*”), 4:1-4.) Consistent with the '373 patent, Barclay '019's gaming architecture provides different video gaming capabilities and levels of play. As discussed below, Barclay '019 discloses “a plurality of status levels to each user of the plurality of users,” and these status levels provide different video gaming capabilities and levels of play. (*Infra* §IV.A.2.d.)

Third, Barclay '019 discloses a computer-implemented “method” for implementing the multilayer architecture for video gaming. (E.g., EX1006, claims

1-6, 21, 24, 20:24, 23:16.)

b. 1[A]: “providing a *video gaming environment* hosted on a *server*,”

Barclay '019 discloses this element. (EX1002, ¶¶65-69.)

First, Barclay '019 discloses providing a *video gaming environment*. FIG. 3 shows “wagering game machine 360” that “present[s] 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.*, 19:17-31, 23:17-22.) A POSITA would have found it obvious that each game or game session provides a video gaming environment.

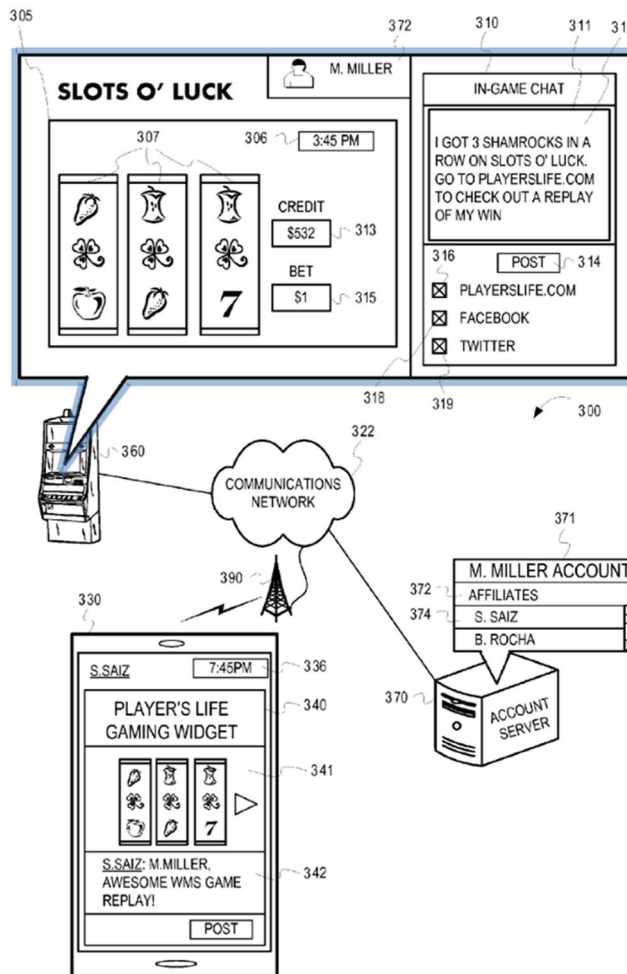


FIG. 3

(EX1006.)

Second, Barclay '019 discloses a *server*. For example, “the wagering game machine 360 . . . communicate[s] with, and or receive communications with, a *gaming server*, such as with the *server 150 described in FIG. 1*[.]” (EX1006, 9:19-24; *see also id.*, 2:57-64.)

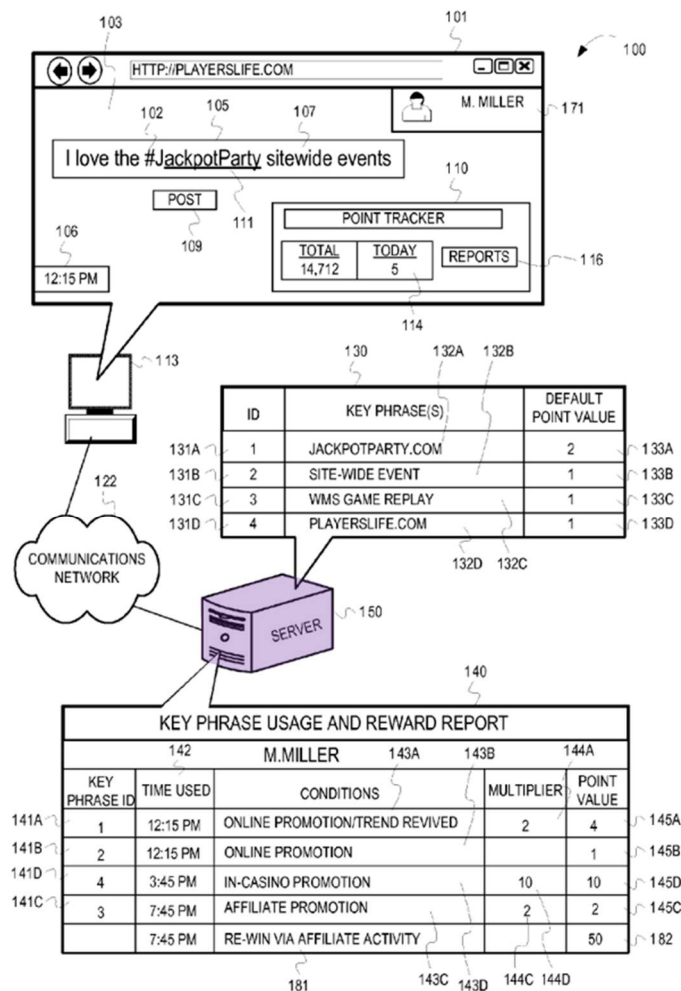


FIG. 1

(EX1006.)

Third, Barclay '019's *server* hosts its *video gaming environment*. Referring to FIG. 8 (below), "[t]he wagering game system architecture 800 can also include a *wagering game server 850* configured to *control wagering game content, provide random numbers, and communicate wagering game information, account information, and other information to and from a client 860.*" (EX1006, 15:3-7; *see also id.*, 15:7-37, 19:17-31.) In light of this description, a POSITA would

understand that Barclay '019's *gaming server* hosts and controls various aspects of the *video gaming environment*. (EX1002, ¶68.)

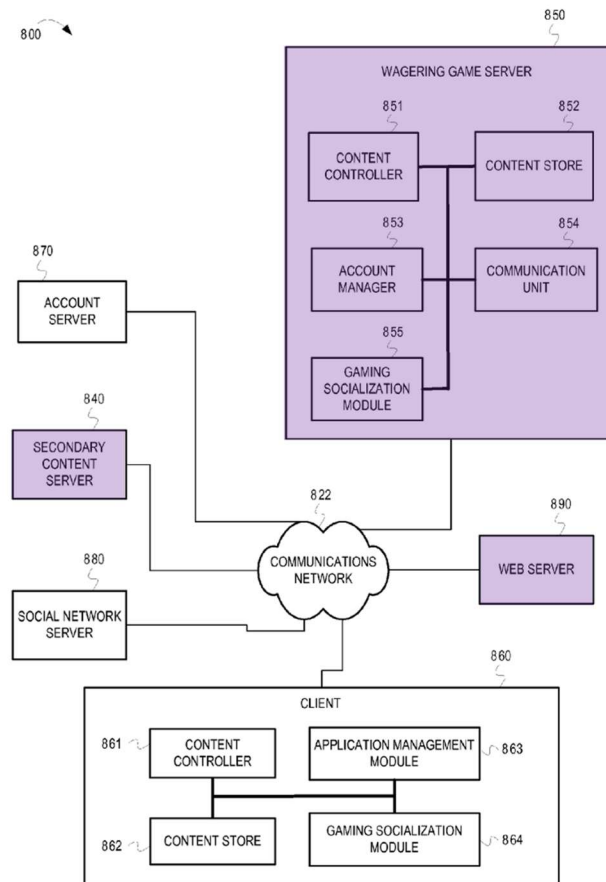


FIG. 8

(EX1006.)

Additionally or alternatively, Barclay '019's *video gaming environment* can be hosted on *web server 890* and/or *secondary content server 840*. (See EX1006, 18:34-41 (stating that the *web server 890* is “configured to control and present an online website that hosts *wagering games*” and “to present multiple *wagering game applications* on the client 860”), 17:48-53 (stating the same regarding the

secondary content server 840).)

c. 1[B]: “providing access, using the *server*, to the *video gaming environment* by a plurality of user devices associated with a plurality of users;”

Barclay '019 discloses this element. (EX1002, ¶¶70-76.)

First, Barclay '019 discloses providing access to the *video gaming environment* via a plurality of *user devices*. In FIG. 3, “wagering game machine 360” is such a user device. (See EX1006, 9:33-36; *supra* §IV.A.2.b.)

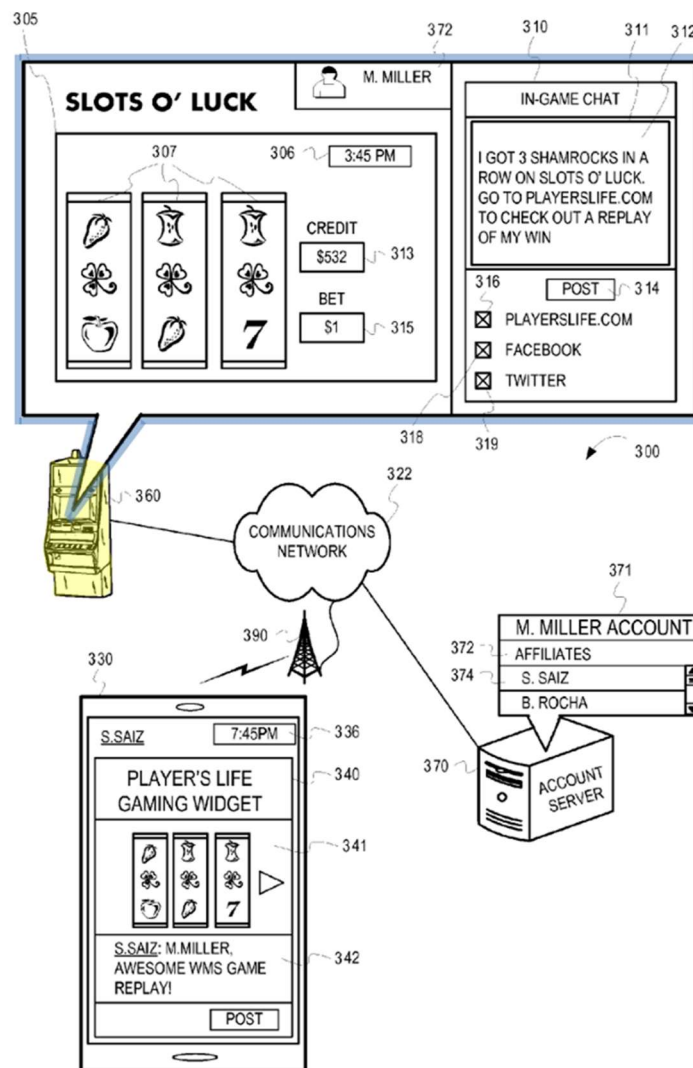


FIG. 3

(EX1006.)

FIG. 8 shows a *user device*, specifically, “*client 860* configured to present wagering games.” (EX1006, 15:39.) “The client 860 can be a *computer system, a personal digital assistant (PDA), a cell phone, a laptop, a wagering game machine,*” etc. (*Id.*, 15:38-45; *see also id.*, 19:8-16, 19:50-24:54, FIGS. 9-12.)

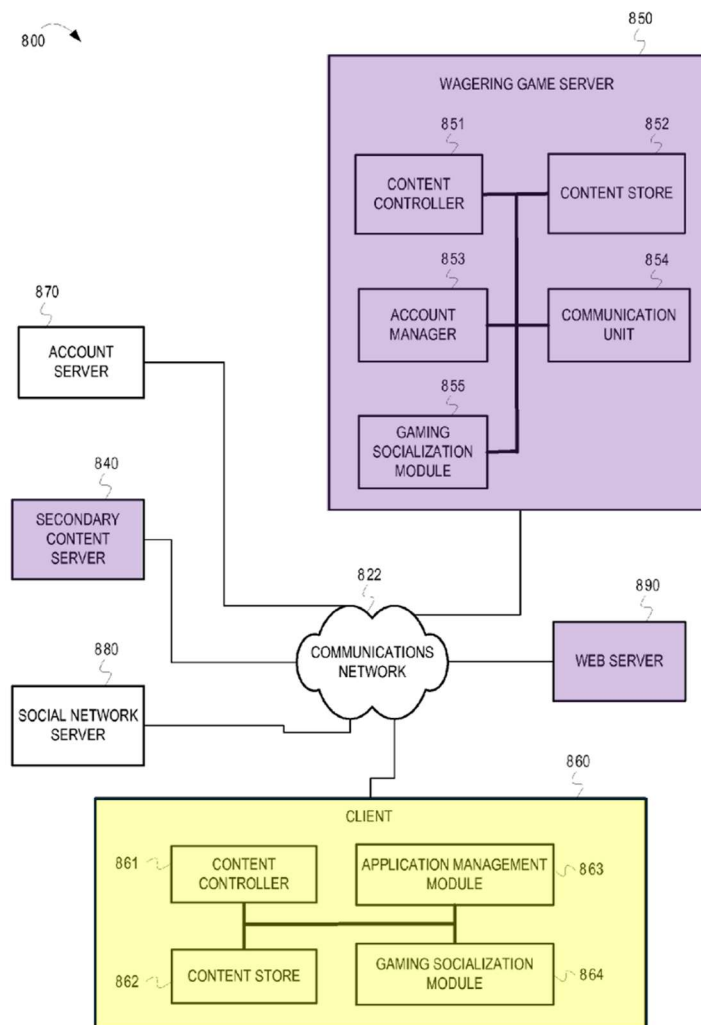


FIG. 8

(EX1006.)

Second, Barclay '019 discloses providing the video gaming environment to a plurality of user devices associated with a plurality of *users*. “*Any 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; *see also id.*, FIG. 3.)

Third, Barclay '019 discloses access to the *video gaming environment* is

provided using *gaming servers*. (*Supra* §IV.A.2.b.) “The *wagering game server 850* can . . . manage and control *content for the presentation of content* on the client 860” and “communicate information to the client 860 and to communicate with other systems, devices and networks.” (EX1006, 15:3-37; *see also id.*, 9:21-22, 19:24-28.) Additionally or alternatively, access to the *video gaming environment* is provided using *web server 890* or *secondary content server 840*. (*Id.*, 18:34-41, 17:48-53.)

d. 1[C][1]: “and designating, using the *server*, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the *video gaming environment*,”

Barclay '019 discloses these elements. (EX1002, ¶¶77-80.)

First, Barclay '019 discloses a plurality of status levels providing different capabilities in the game. As discussed below, Barclay '019 discloses a “first player status level” (*i.e.*, a standard wagering game player), a “second player status level” (*i.e.*, a bankrolling player), and a “third player status level” (*i.e.*, a commenting player). (*Infra* §§IV.A.2.e-IV.A.2.g.)

Second, Barclay '019 discloses or suggests *designating*, using the *server*, a status level to each user (*e.g.*, player). The “*wagering game server 850* can . . . include an account manager 853 configured to *control information related to player accounts*.” (EX1006, 15:18-20; *see also id.*, 15:21-23.) For example, a

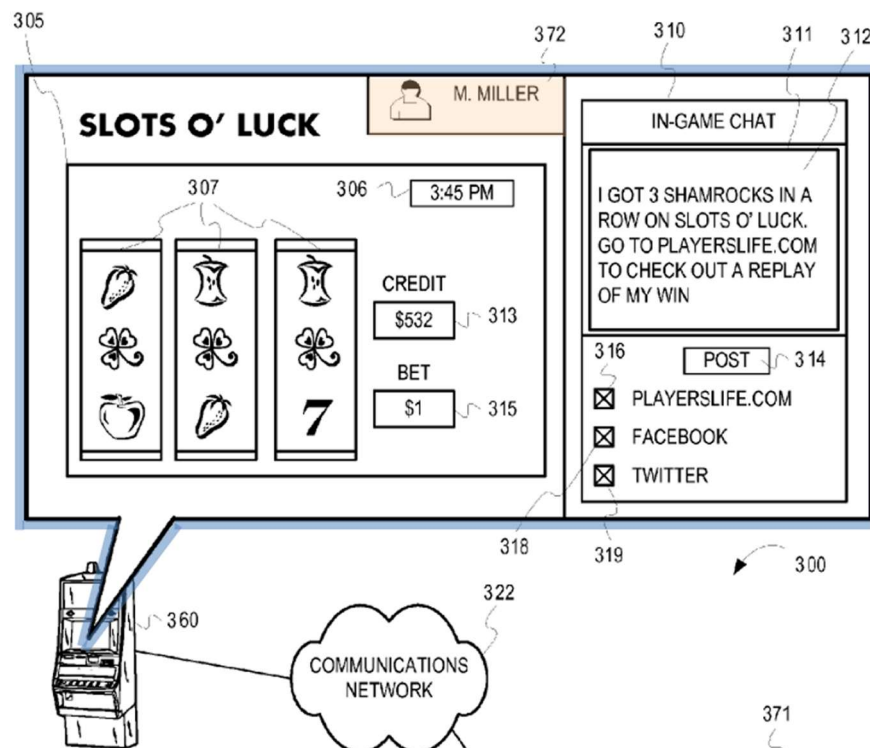
standard player receives winnings directly resulting from a wagering game (*id.*, 13:52-54); a bankrolling player receives a reward for bankrolling the wagering game (*id.*, 13:54-61); and a commenting player receives a reward for commenting on the wagering game event. (*Id.*, 13:52-61, 10:14-16; *see also id.*, 15:27-37.)

Thus, a POSITA would understand that the *gaming server designates* and tracks player status levels to operate the game. (EX1002, ¶80.)

e. 1[C][2]: “the plurality of status levels including a *first player status level* that accords full access and play within the *video gaming environment*,”

Barclay '019 discloses this element. (EX1002, ¶¶81-83.)

Barclay '019 discloses a *standard player status* that accords full access and play in the *wagering game*, such as placing wagers and receiving winnings directly from the wagering. As shown in FIG. 3, a “*user [M. Miller]* can login to the *wagering game* machine 360 via a player account 317 . . . and play the *wagering game 305* via a wagering game session.” (EX1006, 9:33-36; *see also id.*, 9:32-33, 9:37-44.) The *player* may receive points or other winning amounts based on the gaming result. (*See id.*, 13:38-40 (“if the *player* wins points at a game, the system can present an option to take the points or gamble all of those points to double them (e.g., via a picking game)”), 13:52-54, 15:10-12, 15:21-23.)



(EX1006, Excerpt of FIG. 3.)

FIG. 7 also shows “*gaming widget 710*” that allows a *standard player* (“Marcus Miller”) to play a wagering game. (EX1006, 12:32-36; *see also id.*, 12:41-56.) The *player* may receive winnings from the wagering. (*See id.*, 12:67-13:3 (“[i]f the *player* wins, the wagering game server 750 can transfer the second number of points from the second account to the first account in response to detecting the event”), 13:38-40, 13:52-54, 15:10-12, 15:21-23.)

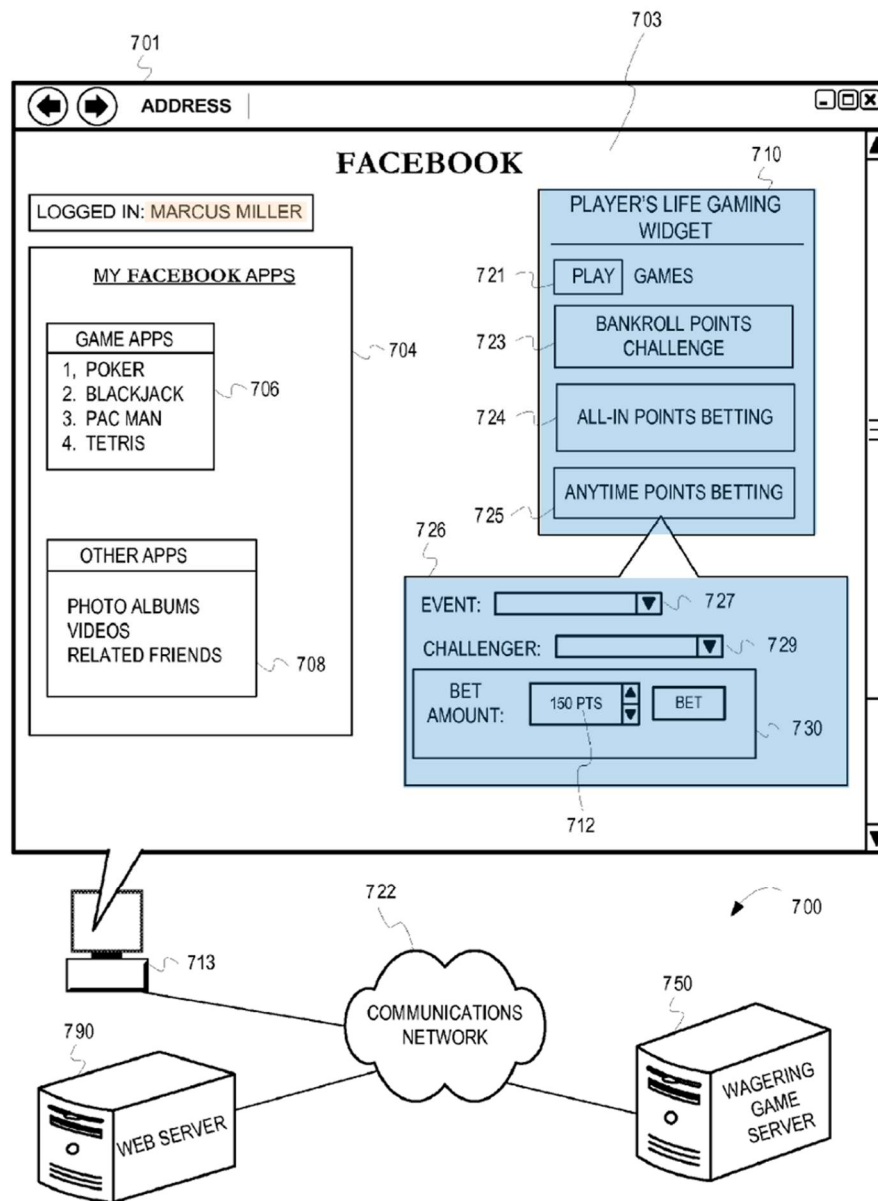


FIG. 7

(EX1006.)

f. 1[C][3]: “[the plurality of status levels including] a *second player status level* that accords restricted access and play within the *video gaming environment*;”

Barclay '019 discloses this element. (EX1002, ¶¶84-86.)

Barclay '019 discloses a *bankrolling player status* that accords restricted access and play within the *wagering game*. A *bankrolling player* puts up points for a *standard player* to win, but cannot place a wager (e.g., spinning reels, place a bet) or receive winnings directly resulting from the wagering. A “*player* creates *an event*, puts up points to win or lose and/or brokers the points on *the event*. The *bankrolling player* can earn additional points for bankrolling the points. . . . For example, a *player* sitting at a wagering game machine bank can offer a certain amount of points to win if *another player*, at the bank, hits a specific *gaming event* (e.g., four of a kind, a specific reel-stop combination, etc.). If the *other player* achieves the specific *gaming event*, then the *other player* wins the points bankrolled by the *first player*.” (EX1006, 13:42-56.)

Thus, the *bankrolling player* cannot access the active betting portion of the game or actively play the wagering game and cannot receive winnings directly resulting from the wagering; instead, he is restricted to putting up points for a standard player to win/lose and receiving a reward merely for bankrolling. (EX1002, ¶86.)

g. 1[C][4]: “and [the plurality of status levels including] a *third player status level* that accords reactive access and play within the *video gaming environment*,”

Barclay '019 discloses this element. (EX1002, ¶¶87-88.)

Barclay '019 discloses a *commenting player status* that accords reactive

access and play within the *game*. As discussed below, after a *standard player* posts a gameplay result to a social network, a *social contact* of the *standard player* (e.g., *S. Saiz*) can react by commenting a key phrase on the post and receive game points based on that comment. (EX1006, 9:40-44, 9:48-52, 10:1-15, FIG. 3.) Thus, *S. Saiz* is accorded reactive access and play within the *wagering game* because he merely reacts to a game event by commenting and receives a reward for the comment. (*Infra* §§IV.A.2.h-IV.A.2.i.)

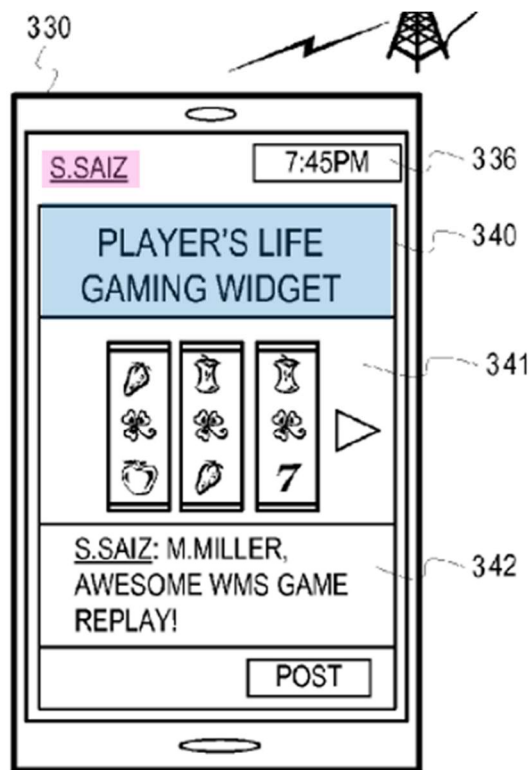


FIG. 3

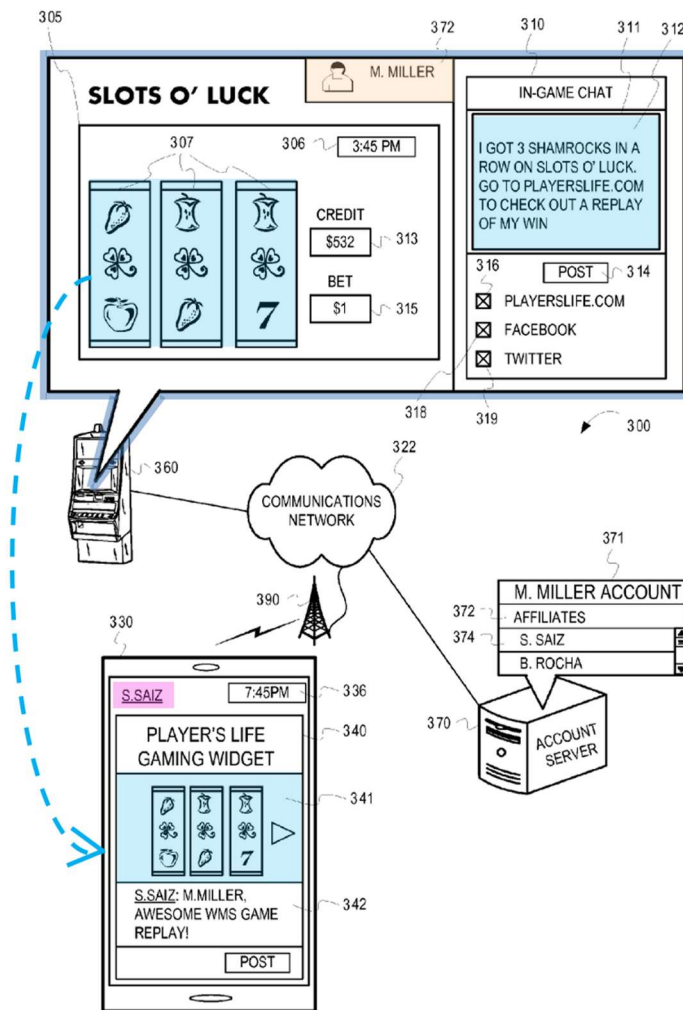
(EX1006, Excerpt of FIG. 3.)

h. 1[C][5]: “the reactive access specifying that a keyword response *commented* by a user having the *third player status level* on a

***social network post* of a user having the *first player status level* or the second player status level”**

Barclay '019 discloses this element. (EX1002, ¶¶89-91.)

As shown in FIG. 3, a “*player [M. Miller]* can receive a specific gameplay result[.]” (EX1006, 9:40-44.) The “*player* can activate the post control 314 . . . which publishes *the message 312* to one or more social networking venues (e.g., to Playerslife.com, to Facebook.com, to Twitter.com, etc.)[.]” (*Id.*, 9:48-52.) FIG. 3 shows that the *gameplay result* (three shamrocks in a row) is posted by *M. Miller* to Playerslife, as shown on *S. Saiz*’s mobile device.



(EX1006.)

A “*social contact of the first user (e.g., a second user, S. Saiz*, who is a friend of the *first user, Marcus Miller*), may view a publication of *the message*” and “post[] a *comment 342*.” (EX1006, 10:1-11.) “The *comment 342* includes the *key phrase 132C* (i.e., the phrase ‘WMS game replay’).” (*Id.*, 10:11-15.)

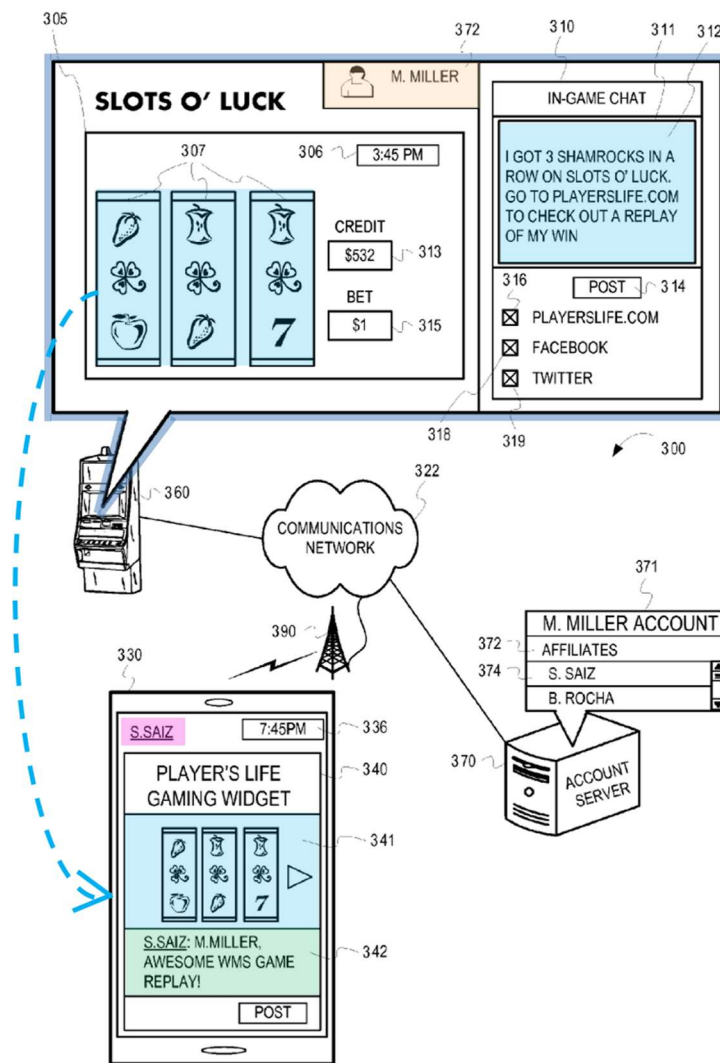


FIG. 3

(EX1006.)

Thus, a response containing keywords (“WMS game replay”) is *commented* by *S. Saiz* on a *social network post* of *M. Miller*.

i. 1[C][6]: “[the reactive access specifying that the commented keyword response] *affects elements of gameplay* on the *video gaming environment*.”

Barclay ’019 discloses this element. (EX1002, ¶¶92-96.)

As described above (*supra* §IV.A.2.h), Barclay ’019 discloses “*S. Saiz*, who

is a friend of the first user, Marcus Miller[], may view a publication of the message” and “post[] a *comment 342*.” (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 (e.g., via user account 374) the default point value 133C* for the usage of the *key phrase 132C*.” (*Id.*, 10:11-15.) Barclay ’019 discloses analyzing the comment, for example, to determine if it is “substantially similar to a *word or phrase* stored in a *key phrase library*[.]” (EX1006, 7:34-36; *see also id.*, 7:37-49, 8:5-9:7, 6:58-63, 3:37-40, 3:52-55, 7:50-52; 7:52-54, 7:32-34; FIG. 1.)

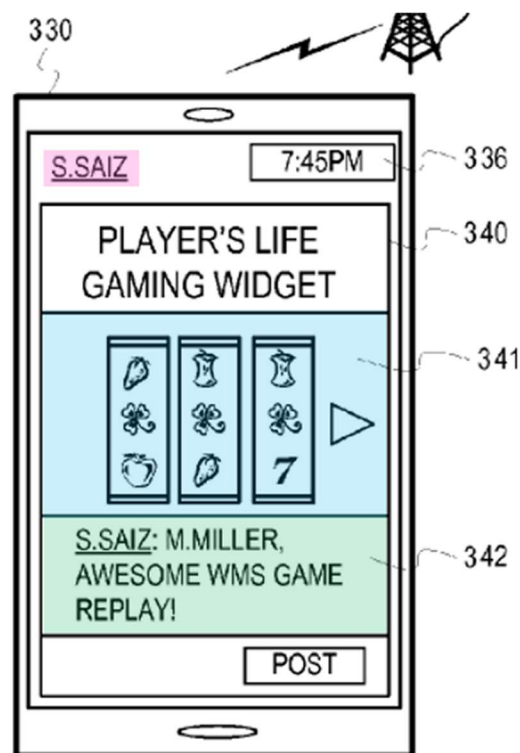


FIG. 3

(EX1006, Excerpt of FIG. 3.)

The provision of rewards discloses *affecting elements of gameplay* on the *video gaming environment*. The '373 patent states that a “user with ‘bystander’ status may influence the game by responding to wall posts or responding with a key word” and then “[r]eward[s] or point allocation is based on the status of the player.” (EX1001, 12:21-24; *see also id.*, 12:45-60.) Similarly, Barclay '019 discloses that “*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, 7:54-61; *see also id.*, 7:61-65, 3:59-4:67, 13:62-14:26.)

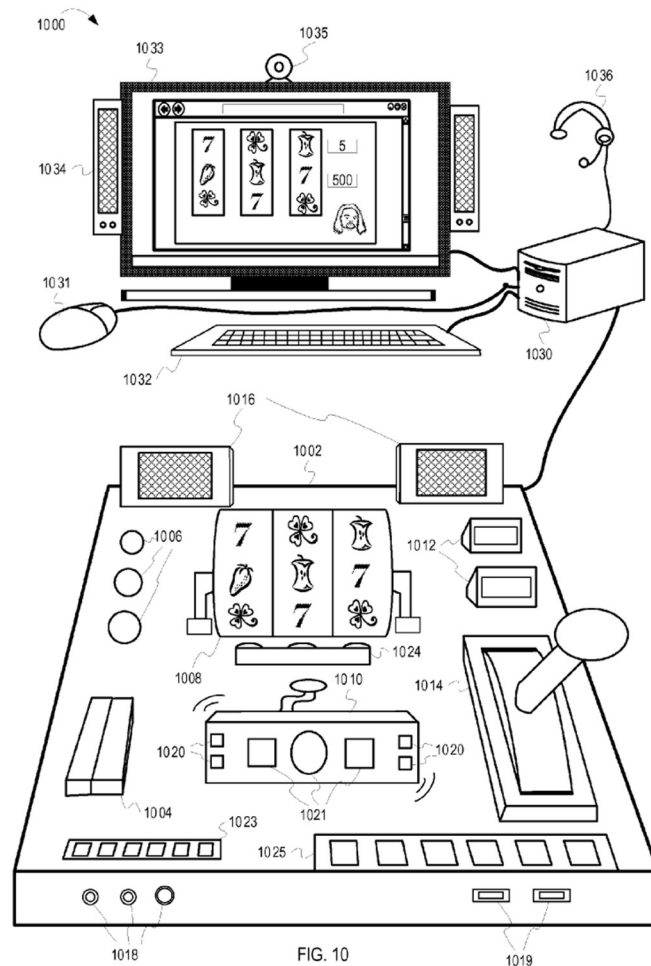
3. Claim 2

Barclay discloses numerous user devices for accessing the video gaming environment, such as a *personal computer*, a *laptop*, a *mobile device*, a *gaming console*, and a *tablet*. (EX1002, ¶¶97-100.)

Barclay '019's video gaming environment is accessed via user devices. (*Supra* §IV.A.2.c.) Barclay '019 discloses a user device “can be *a computer system, a personal digital assistant (PDA), a cell phone, a laptop*[.]” (*Id.*, 15:41-42; *see also id.*, 15:38-45, 19:8-16 (stating user devices can include “*mobile phones*” and “*personal computers*”).) Further, “the client 860 can take the form

of a wagering game machine. Examples of wagering game machines can include .

.. *workstation-type console models*[.]” (*Id.*, 19:8-16.) FIGS. 10 and 11 depict some user devices. (*Id.*, 20:39-40; *see also id.*, 20:41-21:50, 23:10-22, 23:48-50, FIG. 12.)



(EX1006.)

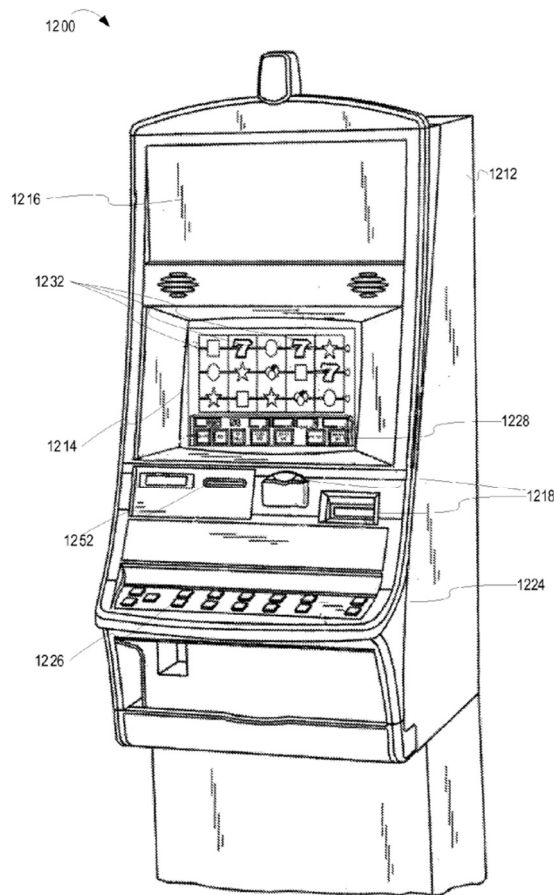


FIG. 12

(EX1006.)

4. Claim 3

Barclay discloses hosting the *video gaming environment* in association with a *social network* server. (EX1002, ¶¶101-103.)

As shown in FIG. 7, a “*gaming widget 710* . . . presents a control 725 that launches a wagering panel 726, through which a player can . . . wager on a prediction of any event[.]” (EX1006, 12:32-36.) “The *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.” (*Id.*, 13:4-8.) In light of this disclosure, a POSITA would understand that at least some aspects (e.g., graphical user interfaces) of the *wagering game* are hosted on or in association with the *Facebook* server.

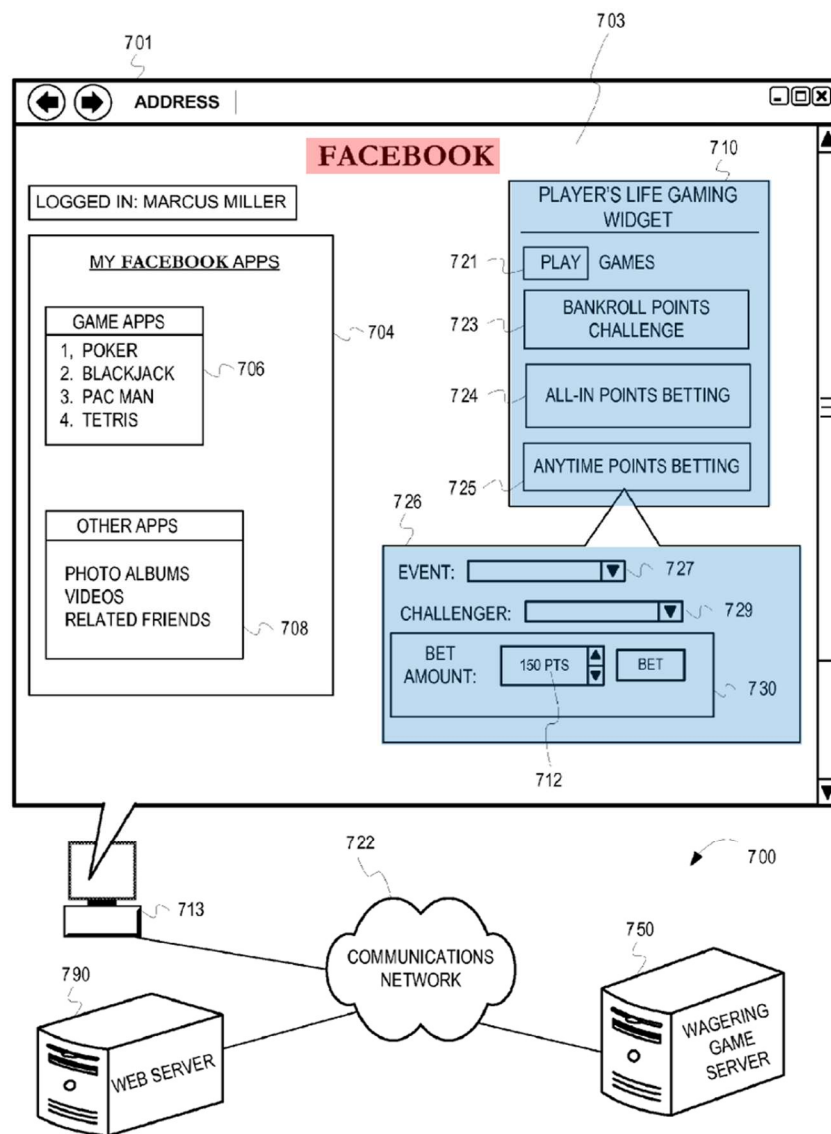


FIG. 7

(EX1006.)

Specifically, with reference to FIG. 8 (below), Barclay '019 discloses a “**social network server 880** configured to host social networking network accounts, provide social networking content, control social networking communications, store associated social contacts, etc.” (EX1006, 18:18-21; *see also id.*, 18:21-29, 9:40-52, FIG. 3.) Thus, it would have been obvious to a POSITA that Barclay '019's **video gaming environment** is hosted in association with a **social network server** (e.g., social network server 880).

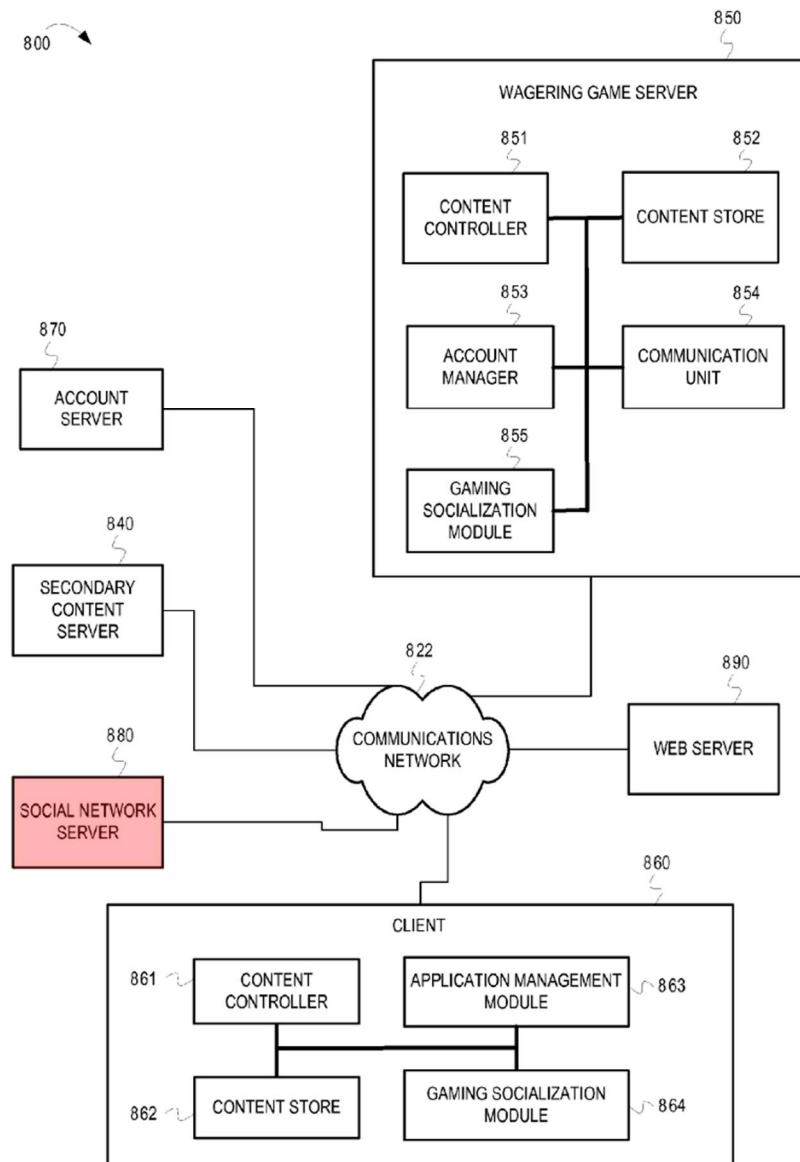


FIG. 8

(EX1006.)

5. Claim 4

Barclay discloses hosting the *video gaming environment* on a *third party server*. (EX1002, ¶¶104-107.) The '373 patent states “[t]hese video gaming applications may either be hosted by an online community, for example, one or

more social networks, or alternatively, by *third party servers that are wholly or partially dedicated to gaming applications.*” (EX1001, 3:63-67; *see also id.*, 3:21-26, 8:3-14, FIG. 1.)

Consistent with the '373 patent, Barclay '019 discloses servers that are wholly or partially dedicated to gaming applications, including game server 850, secondary content server 840, and web server 890. (*Supra* §IV.A.2.b; *see also* EX1006, 19:19-28, 15:3-13, 17:48-53, 18:34-41, FIG. 8.)

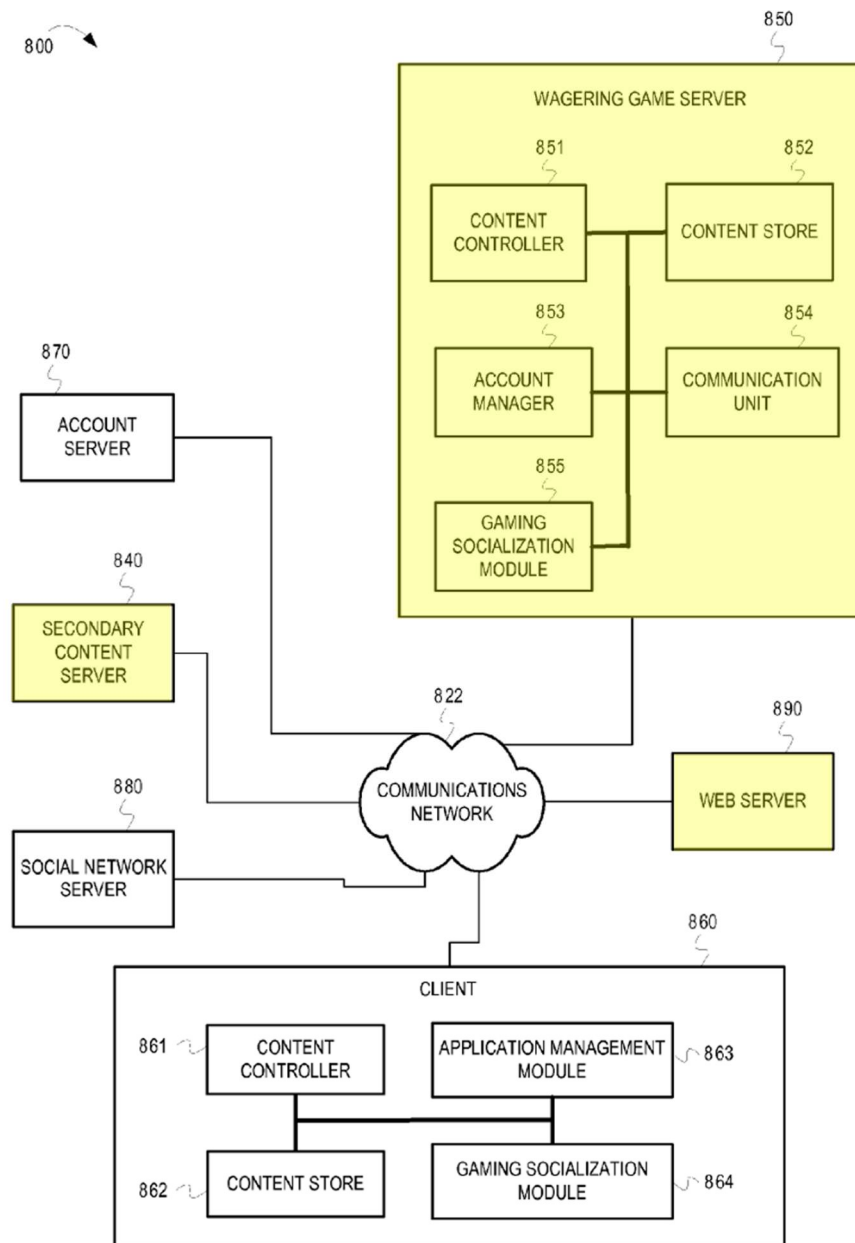


FIG. 8

(EX1006.)

6. Claim 5

Barclay discloses hosting the *video gaming environment* on a *cloud of distributed servers*. (EX1002, ¶¶108-113.) In the '373 patent, FIG. 1 depicts a

system of interconnected servers that communicate via Networks 105a-n, which
“may comprise . . . the Internet[.]” (EX1001, 9:29-31, 8:3-14.)

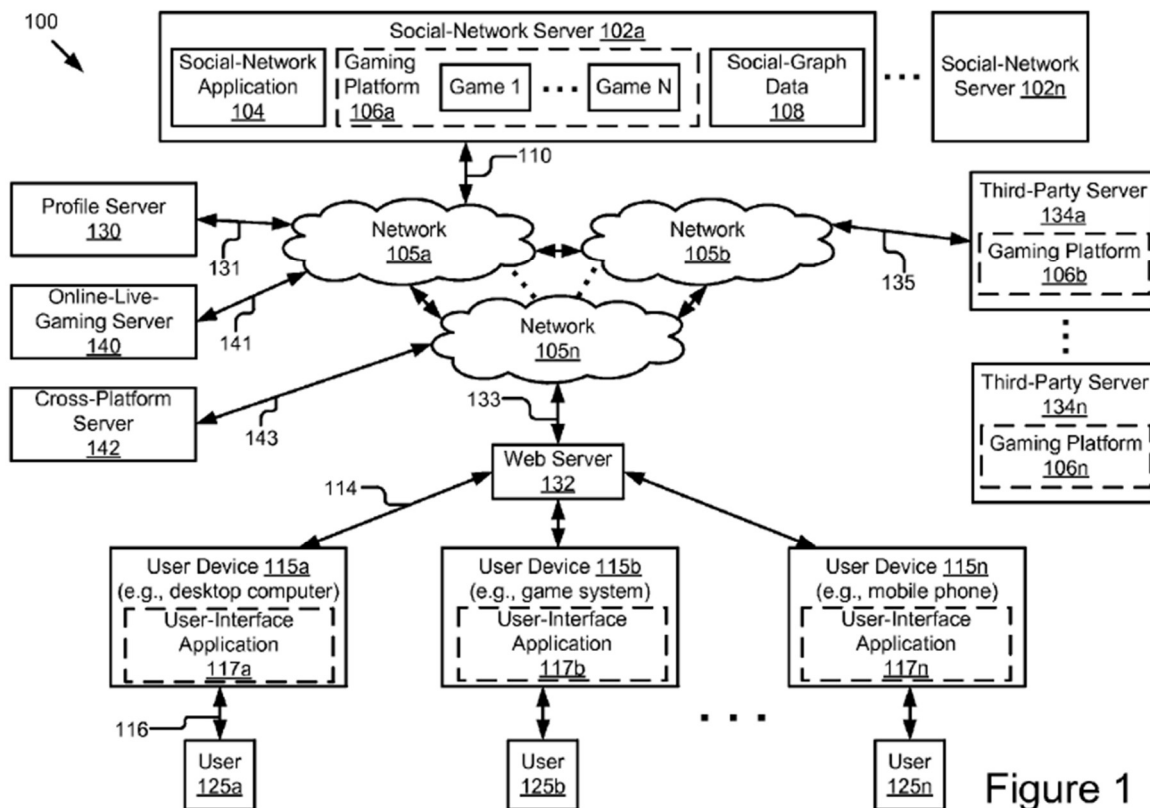


Figure 1

(EX1001.)

Consistent with the '373 patent, FIG. 8 depicts “a wagering game system architecture 800,” which includes a *system of interconnected servers (e.g., wagering game server, secondary content server, web server)* that communicate via communications network 822. (See EX1006, 5:34-40, 15:3-37, 17:19-18:16, 18:34-59, FIG. 8.) “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),” etc. (Id., 5:34-37; see also id., 5:37-40, 17:48-51, 18:36-39.) A POSITA would understand that wagering game system architecture 800 forms a **cloud of distributed servers** because it has a network of servers performing computing tasks in the cloud (e.g., the internet).*

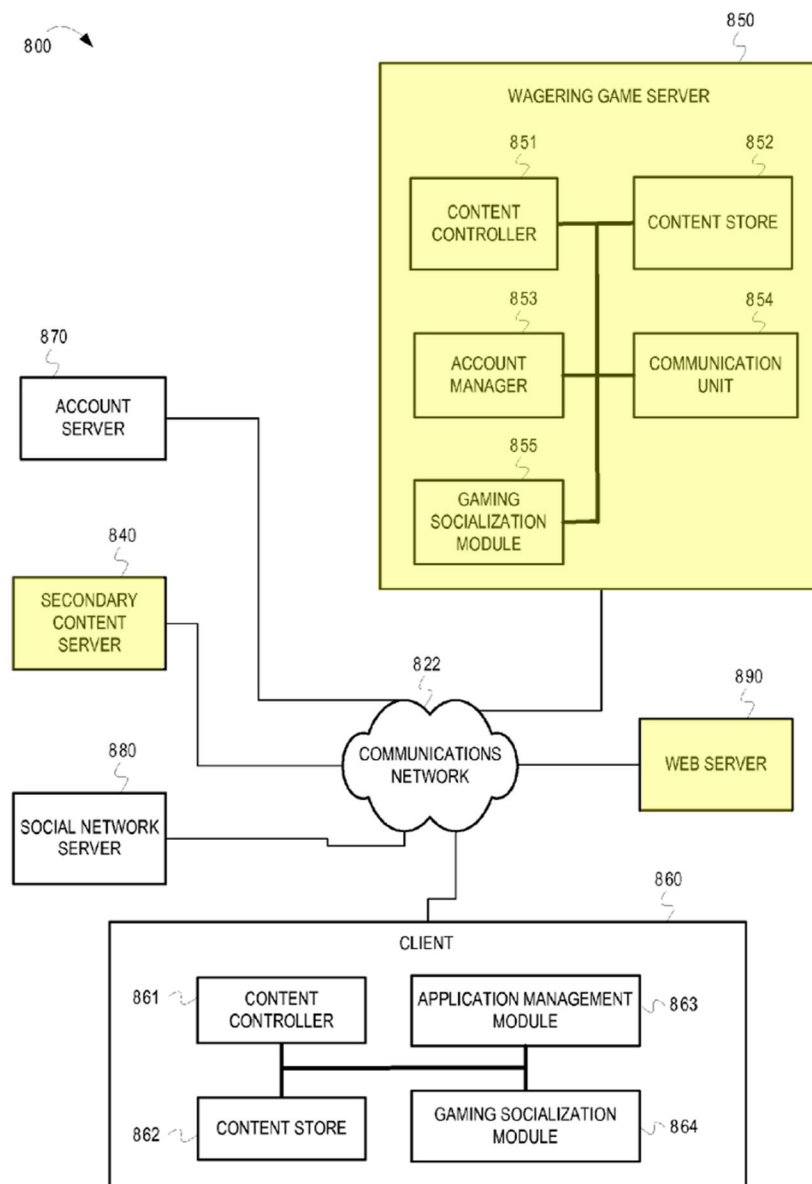


FIG. 8

(EX1006.)

Further, Barclay '019's game is hosted on all three servers. "[W]agering game server 850 [is] configured to control *wagering game content*[" (EX1006, 15:3-8; *see also id.*, 15:18-37, 19:17-36.) And "web server 890" and "secondary content server 840" are "configured to control and present an online website that hosts *wagering games*" and "to present multiple *wagering game applications* on the client 860[" (*Id.*, 18:34-38, 17:46-50; *see also id.*, 18:38-40, 17:50-52.) Because Barclay '019 discloses that "some functions performed by one component could be performed by other components," it would be obvious to a POSITA that Barclay '019's *video gaming environment* can be hosted across the *cloud of distributed servers* (e.g., across the wagering game server, the secondary content server, and/or the web server). (*Id.*, 18:60-61.)

7. Claim 6

Barclay discloses hosting the *video gaming environment* on a *cross-platform server* accommodating access by all the user devices. (EX1002, ¶¶114-117.)

The '373 patent discloses that a "cross-platform server 142 may serve as a gateway to different servers and accommodating access by different user platforms." (EX1001, 9:9-11.) "[U]ser devices or player gaming platforms . . . can be a computing device, for example, a laptop computer, a desktop computer, a

tablet computer, a mobile telephone (iOS, Android, or windows-based phone), . . . or any other electronic device capable of accessing a network and participating in a gaming application.” (*Id.*, 9:12-21; *see also id.*, 5:54-58.)

As discussed above, Barclay ’019’s video gaming environment is hosted on ***gaming servers***. (*Supra* §§IV.A.2.b-IV.A.2.c.) Consistent with the ’373 patent, Barclay ’019’s gaming servers accommodate access by multiple platforms (*e.g.*, a mobile device, a personal game console, a social website, a machine). The player can play a game outside the casino on “a personal computer, a laptop, a personal digital assistant, a cell phone” and also continue the game in the casino, because “the in-casino activity can be a ***continuation of a persistent-state game*** that is played outside the casino[.]” (EX1006, 1:40-41, 8:29-31; *see also id.*, 8:23-28, 9:33-40, 10:39-12:7, 15:18-20.)

As discussed above, Barclay ’019 discloses that the gaming servers provide access to Barclay ’019’s ***wagering game environment*** through multiple ***user devices***. (*Supra* §IV.A.2.c.)

8. Claim 7

Barclay discloses that a plurality of users can access the ***video gaming environment*** for ***concurrent play***. (EX1002, ¶¶118-120.)

Specifically, Barclay ’019 discloses providing “community games, . . . that ***multiple players can participate in at the same time***.” (EX1006, 17:42-46.) “For

example, if a group of players *sign in at the same time* at a casino (e.g., via a kiosk, via a wagering game machine), then all players will earn more points or earn points at a faster rate or a higher level.” (*Id.*, 14:34-38.)

As another example, Barclay ’019 discloses concurrent play between a bankrolling player and the standard player. “For example, *a player sitting at a wagering game machine bank can offer a certain amount of points to win if another player, at the bank, hits a specific gaming event[.]*” (EX1006, 13:48-52; *see also id.*, 13:46-48, 13:52-56.) Thus, they engage in concurrent play because the outcome of the game simultaneously affects both players. (EX1002, ¶120.)

9. Claim 8

a. 8[PR]: “A system for implementing a multilayer architecture for video gaming,”

To the extent limiting, Barclay ’019 discloses this preamble. (*Supra* §IV.A.2.a; EX1002, ¶121.) Barclay ’019 discloses implementing a multilayer architecture for video gaming (*supra* §IV.A.2.a) and “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.)

b. 8[A][1]: “comprising a processor”

Barclay ’019’s system comprises “one or more processors.” (EX1006, claim 11; *see also id.*, 19:50-20:2, FIG. 9; EX1002, ¶122.)

c. 8[A][2]: “and a memory, wherein the memory provides instructions that cause the processor to:”

Barclay '019's system comprises “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[.]” (*Id.*, claim 11; *see also id.*, 19:50-20:35, FIG. 9; EX1002, ¶123; *supra* §IV.A.2.)

d. 8[B]-8[D][6]

Barclay '019 discloses these elements as discussed with respect to 1[A]-1[C][6]. (*Supra* §§IV.A.2.b-IV.A.2.i; EX1002, ¶¶124-131.)

10. Claims 9-14

Barclay '019 discloses these claims as discussed above with respect to claims 2-7. (*Supra* §§IV.A.3-IV.A.8; EX1002, ¶¶132-137.)

B. Ground 2: Barclay '019 and Barclay '363 Render Obvious Claims 1-14.

1. Summary of Barclay '363

Barclay '363 was filed on March 29, 2012, and thus qualifies as prior art under §102(e). (EX1007, 1.) The Examiner never found, and Applicant never cited, Barclay '363 during prosecution. (EX1002, ¶¶138-142.)

Barclay '363 discloses additional ways in which elements of gameplay within a video game environment can be *affected* based on comments on social network posts. 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” such as “specify[ing] what the *wagering game player* account should do during the wagering game session.” (EX1007, [0083].) 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)*.” (*Id.*)

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

It would have been obvious to combine the teachings of the Barclay references. Both Barclay references 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 video games. (EX1006, Abstract, 2:40-56, 14:50-19:46, FIGS. 8-12; EX1007, Title, Abstract, [0041], [0052]-[0061], FIGS. 2, 6-8; EX1002, ¶143.) They are analogous to the '373 patent because they are in the same field of endeavor and relate to the same technical problems. (EX1001, Abstract.)

Barclay '019 itself discloses claim 1. To the extent claim 1 requires additional gaming environment effects beyond Barclay '019's reward mechanisms (not conceded), the combination discloses this. (EX1002, ¶144.) In the Barclay '019-Barclay '363 (hereinafter “Barclay-Barclay”) combination, a commenting

player (e.g., a friend account) would comment keywords on social network posts, as taught by Barclay '019, to, for example, (1) *“affect [and] control” play*, (2) *“present the comments on the reels”*, and/or (3) *“grant[] the wagering game player account eligibility for more wilds”*, as taught by Barclay '363. (EX1007, [0083], [0072], [0085].) The effect on the video gaming environment would be based on analysis of the comments as taught by Barclay '019 (e.g., keyword-based analysis). (See EX1006, 3:37-40, 3:52-55, 6:58-63, 10:11-15.)

The combination would predictably expand participation to non-players and provide a more 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, FIG. 3; EX1007, Title, Abstract, [0041]; EX1002, ¶¶145-147.) 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 expand participation and to use social-network activities to influence games (e.g., 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, because prior art such as Barclay '363 have successfully demonstrated that direct gameplay control and non-player participation provide improved user experience. (EX1002, ¶¶148-150.)

3. Claim 1

a. 1[PR]-1[C][3]

The combination discloses these elements as discussed above with respect to Ground 1. (*Supra* §§IV.A.2.a-IV.A.2.f; EX1002, ¶¶151-156.)

b. 1[C][4]: “and [the plurality of status levels including] a *third player status level* that accords reactive access and play within the *video gaming environment*,”

The combination discloses this element. (*Supra* §§IV.A.2.g, IV.B.2; EX1002, ¶¶157-158.) Barclay '363 likewise discloses a *commenting player status* that allows a player to react to another player's wagering-game activity via social network comments. 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*.” (EX1007, [0083].) The *friend accounts* include *players*. (*See id.*, [0084] (explaining that “the friend account [can] also own[] a wagering game player account”).)

c. 1[C][5]-1[C][6]: “the reactive access specifying that a keyword response *commented* by a user having the *third player status*

level on a *social network post* of a user having the *first player status level* or the second player status level *affects elements of gameplay* on the *video gaming environment*.”

The combination discloses these elements. (*Supra* §§IV.A.2.h-IV.A.2.i, IV.B.2; EX1002, ¶¶159-167.)

First, Barclay ’363 likewise discloses a *social network post* of a user having the *first player status level*. As shown in FIG. 4 below, a *game event* (winning of 500 credits) associated with a *wagering game player (“Amy S.”)* is posted to a social network (“FACEPAGE”). (EX1007, [0067]; *see also id.*, [0070].)

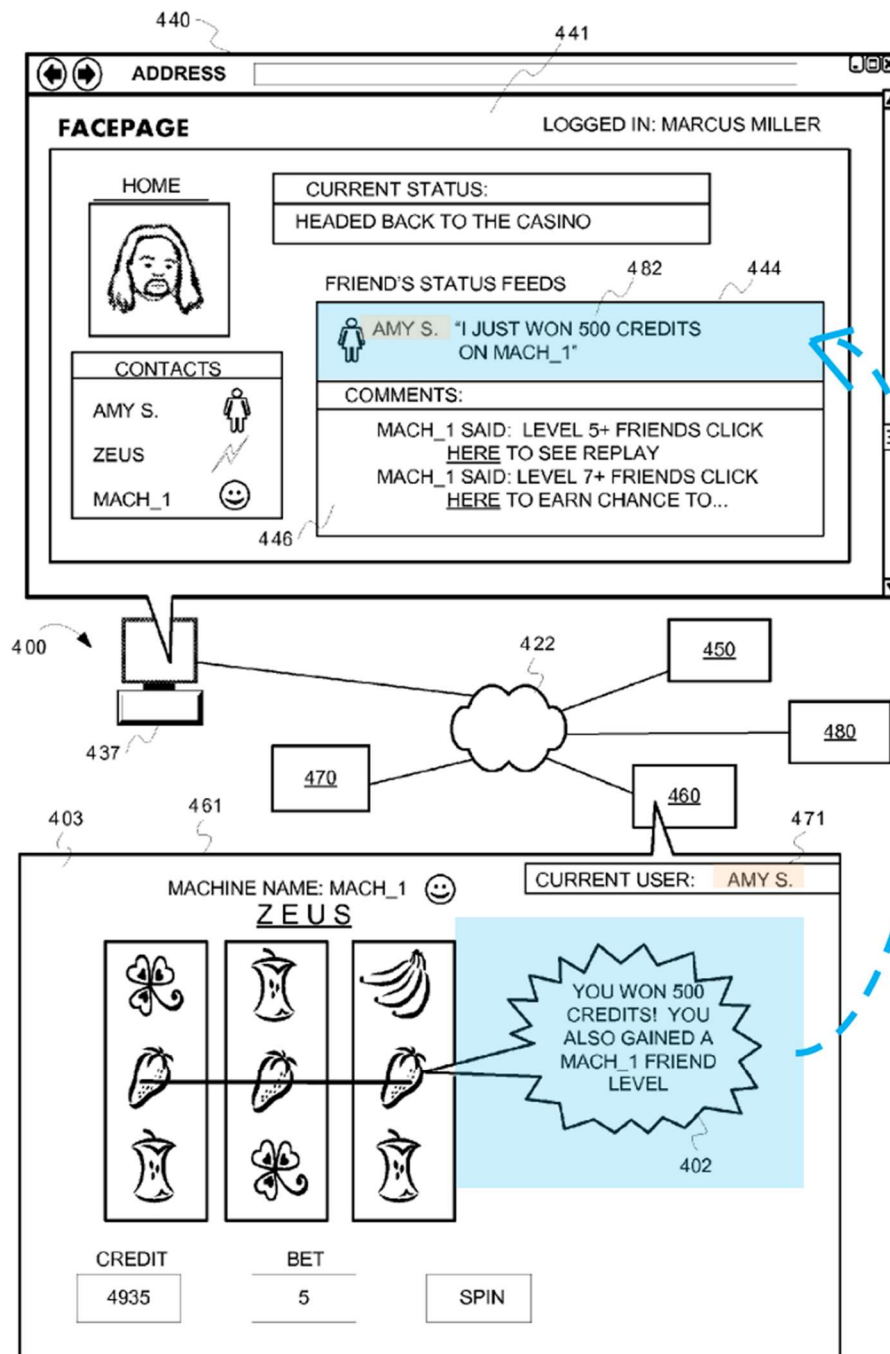


FIG. 4

(EX1007.)

Second, similar to Barclay '019, Barclay '363 further states that “*friend accounts*,” or other social networking contacts, can provide *comments* on a

player's social network post. “For example, when the social network account 144 views a profile page 142 for the social network account 145 (e.g., for Marcus Miller’s Facepage profile page), a comment feature 143 can present options for the social network account 144 to *comment* about the social network account 145 (e.g., for *Amy S.* to comment on a *picture* posted by *Marcus Miller* on the profile page 142).” (EX1007, [0047].)

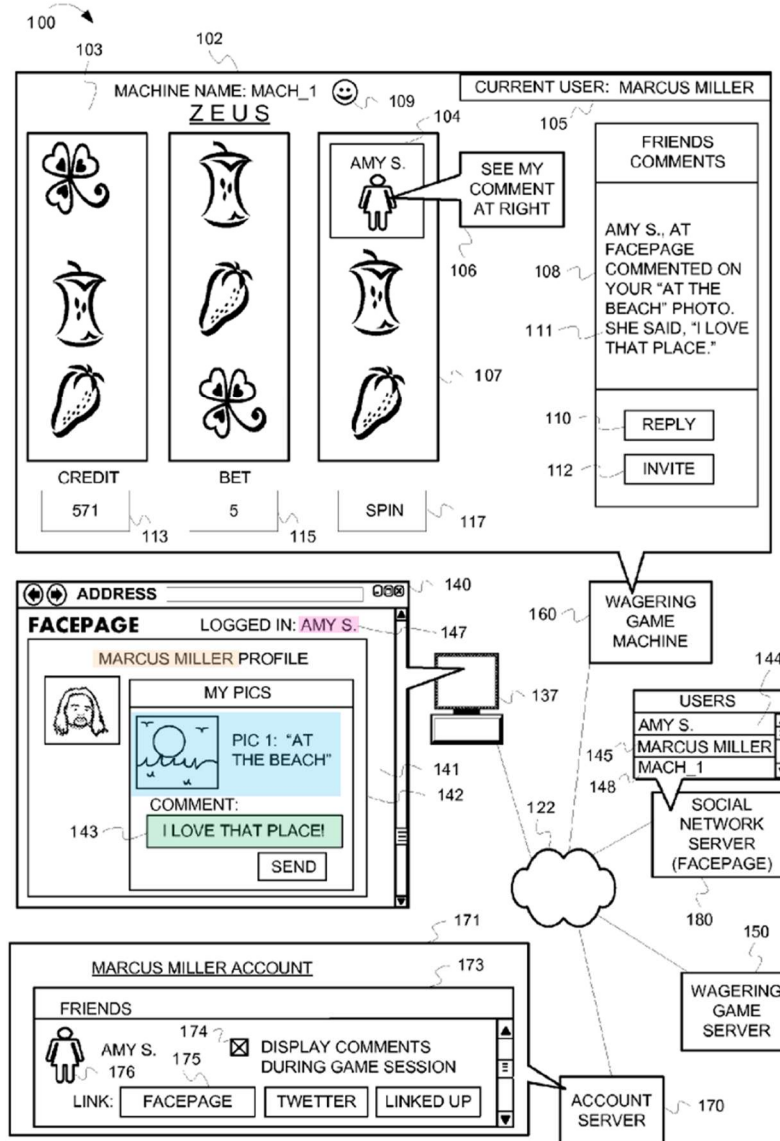


FIG. 1

(EX1007.)

Third, Barclay '363 discloses additional ways in which elements of gameplay within a video game environment can be *affected* based on comments on social network posts. 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 *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.)*” 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].)

As another example, Barclay '363 *displays 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].)

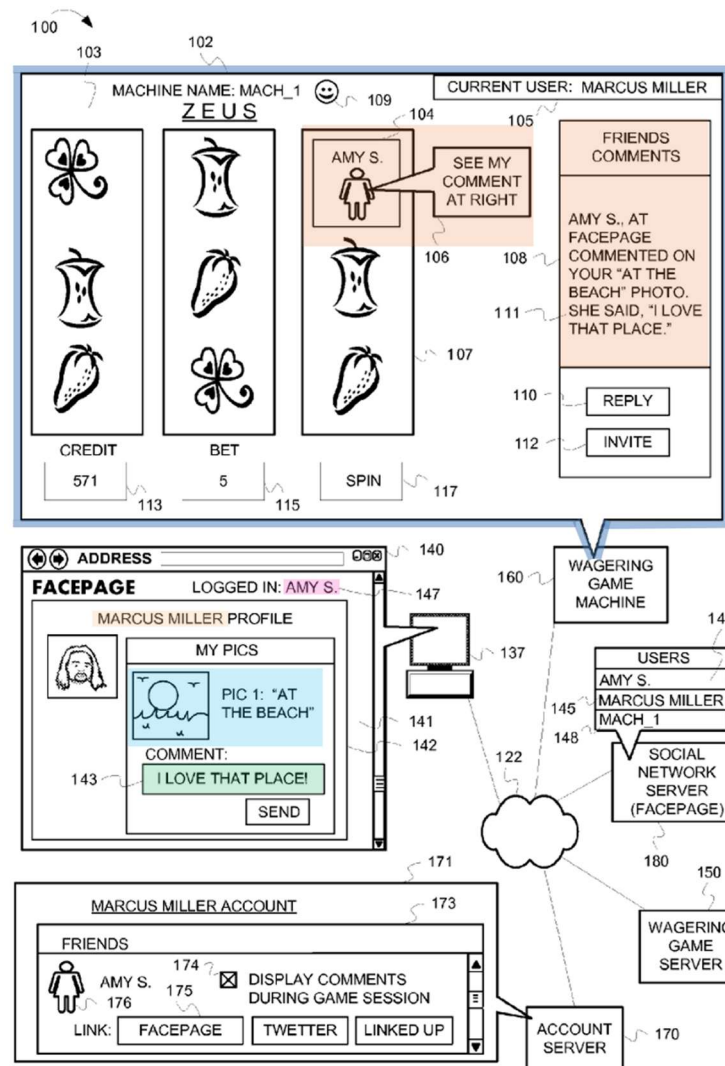


FIG. 1

(EX1007.)

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.).” (EX1007, [0072].)

As another example, “the 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).” (EX1007, [0085].)

It would have been obvious to a POSITA that, in the Barclay-Barclay combination, the *friend accounts* would *comment* a *keyword* response, as taught by Barclay ’019, to *affect elements of gameplay*, as taught by both Barclay ’019 and Barclay ’363. (*Supra* §§IV.A.2.h-IV.A.2.i, IV.B.2.)

4. Claim 3

The combination discloses this claim. (*Supra* §§IV.A.4, IV.B.2; EX1002, ¶¶169-174.) Barclay ’363 also discloses the video gaming environment hosted in association with a social network server. Referring to FIG. 1, Barclay ’363 discloses that “[t]he *social network server 180* can send a comment made by the

social network account 144 (e.g., ‘I love that place!’ sent by Amy S.) to the account server 170 and/or the wagering game server 150.” (EX1007, [0047]; *see also id.*, [0054]-[0055], FIG. 2.)

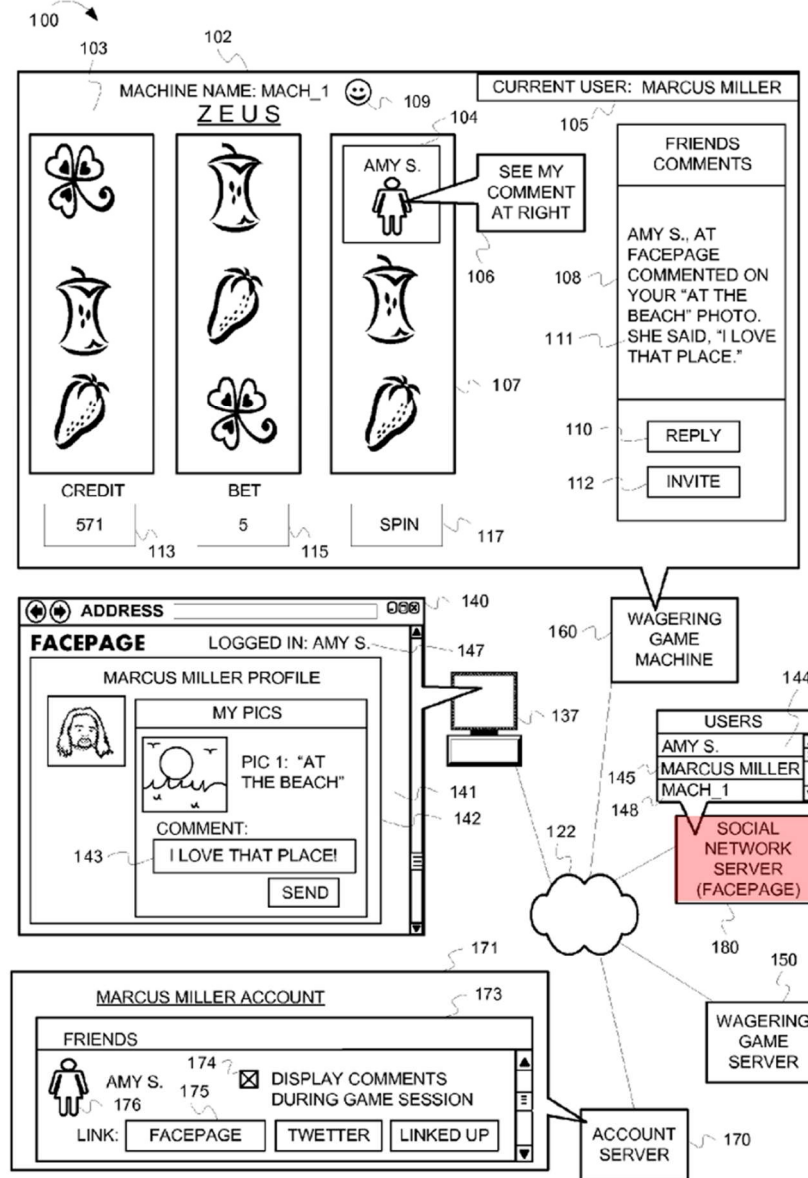


FIG. 1

(EX1007.)

Referring to FIG. 4, “[t]he system 400 transfers a message of the win to the

social network server 480, which presents a status indicator comment 482 about the player account's win in a status feed console 444.” (EX1007, [0067].)

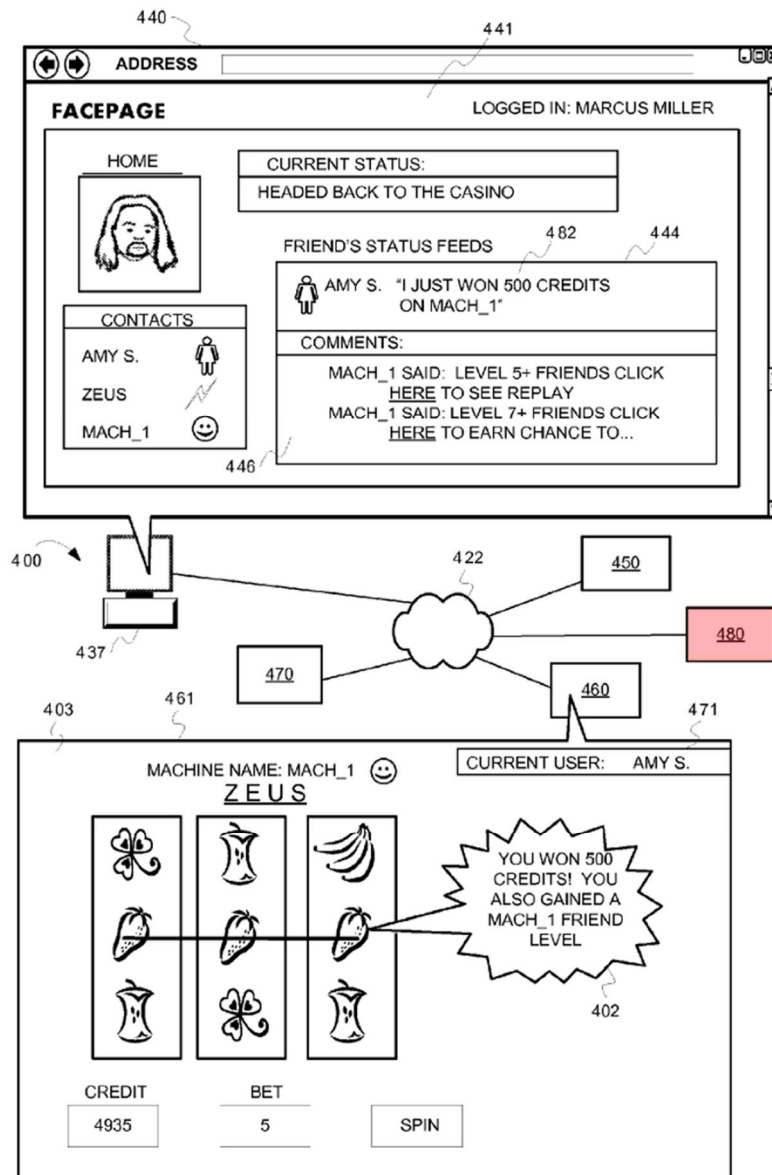


FIG. 4

(EX1007.)

Referring to FIG. 5, “[t]he wagering game machine 560 can have identifying information (e.g. a machine name, ‘Mach_1,’ an avatar 543, etc.) that the system

500 uses to sign-up the wagering game machine 560 for a social network account
581 hosted by the *social network server 580.*” (EX1007, [0073].)

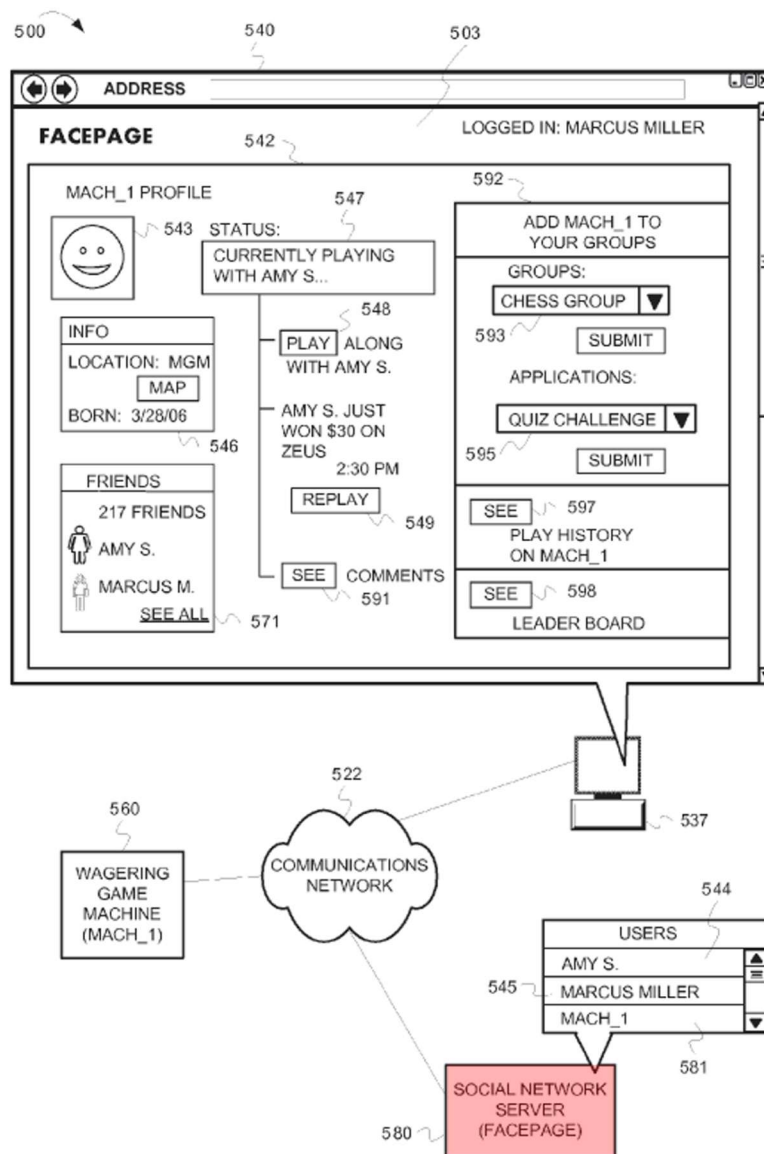


FIG. 5

(EX1007.)

5. Claims 2, 4-7

The combination discloses these claims as discussed above with respect to

Ground 1. (*Supra* §§IV.A.3, IV.A.5-IV.A.8; EX1002, ¶¶168, 175-178.)

6. Claim 8

a. 8[PR]-8[A][2]

The combination discloses these elements as discussed above with respect to Ground 1. (*Supra* §§IV.A.9.a-IV.A.9.c; EX1002, ¶¶179-181.)

b. 8[B]-8[D][6]

The combination discloses these elements as discussed above with respect to 1[A]-1[C][6]. (*Supra* §§IV.B.3.a-IV.B.3.c; EX1002, ¶¶182-189.)

7. Claims 9-14

The combination discloses these claims as discussed above with respect to claims 2-7. (*Supra* §§IV.B.4-IV.B.5; EX1002, ¶¶190-195.)

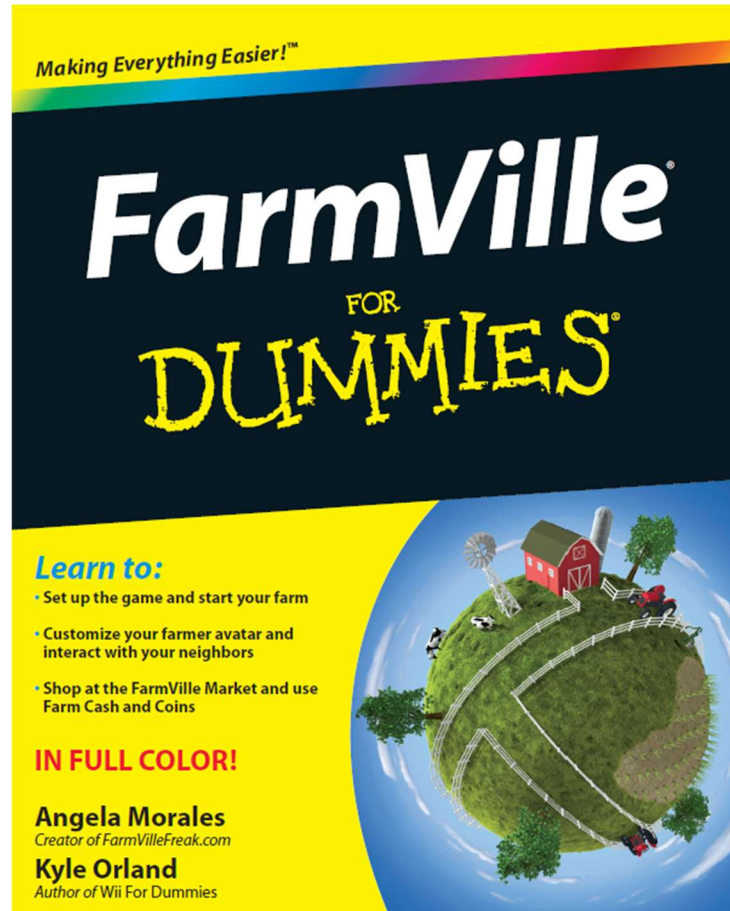
C. Ground 3: FarmVille and Tweet Land Render Obvious Claims 1-14.

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, 1.) The Examiner never found, and Applicant never cited, it during prosecution. (EX1002, ¶¶196-202.)

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.)

The game is hosted on “*FarmVille servers* maintained by developer Zynga.” (*Id.*, 11.)

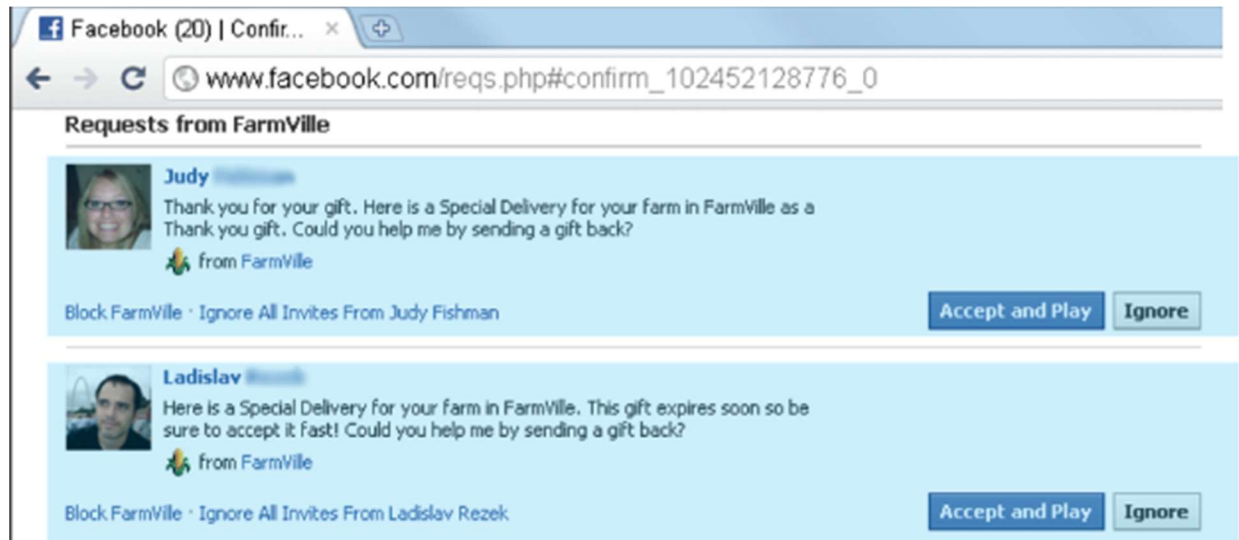


(EX1004, Cover.)

The game “takes advantage of Facebook’s social networking framework to encourage interaction with other players.” (EX1004, 9.) For example, on a particular farm, “Facebook friends who play FarmVille [are] . . . grouped into one of the following three categories: Non-neighbors, neighbors, pending neighbor requests.” (*Id.*, 32.) “FarmVille neighbors are a subset of your Facebook friends, so although all your FarmVille neighbors are Facebook friends, not all your

Facebook friends are necessarily FarmVille neighbors.” (*Id.*, 12.)

FarmVille players can also post *FarmVille-related content* on Facebook, as shown below. (EX1004, 70, 66; *see also id.*, 46, 54-55, 70-71, 149-150, 155-156, 206; EX1017, 1-2; EX1016, 70, 142.)



(EX1004, Excerpt of Figure 3-4.)

Facebook users’ responses to those *Facebook posts affect elements of gameplay* in the *FarmVille game environment*. For example, if a FarmVille player posts a barn-raising request on Facebook, “[t]en of your neighbors need to click the link in this *news post* [on Facebook] over the next three days to *complete your barn raising and expand your building’s storage*[.]” (EX1004, 156.)



(EX1017, 1.)

As another example, if a FarmVille player posts a neighbor request on Facebook, “[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*.”

(EX1004, 55.)



Figure 4-1: The My Neighbors page.

(EX1004, Figure 4-1.)

2. 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, ¶¶203-207.)

Tweet Land describes a game called Tweet Land, “one of the world’s first *video game platforms* that plays with reality, or ‘Real Time Gaming.’” (EX1005, 1.) “In the Tweet Land universe you will be able to play several *videogames* A *rac*ing game . . . and an *action game*[.]” (*Id.*, 2.)



(EX1019, 2; EX1005¹, 2.)

¹ EX1005 is the archived version of EX1019 on Internet Archive.



(EX1019, 3; EX1005, 3.)

Tweet Land uses “real-time . . . *tweets* drawn from *Twitter*” to “*trigger elements into the game.*” (EX1005, 2; EX1014, 1.) “[E]very time someone in the world *tweets* something,” the 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.” (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 game.



(EX1019, 2; EX1005, 2; EX1010, 3.)

3. 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 '373 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, ¶208.)

FarmVille gameplay is affected when a user *clicks* a hyperlink or button in a Facebook post. Tweet Land discloses that social-network *comments* (e.g., tweets) containing keywords can trigger gameplay effects. (EX1005, 2.) A POSITA would have found it obvious to combine the teachings of FarmVille and Tweet

Land such that Facebook *comments* (in addition to or instead of clicks) containing keywords would *affect elements of gameplay* on a farm. (EX1002, ¶209.)

Facebook already allows users to post comments on FarmVille-related posts, as shown below.



(EX1017, 1.)



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

(EX1004, Figure 3-9.)

In the combination, instead of requiring a Facebook user to *click* a button, the user would *comment* with a keyword on the post to affect gameplay (e.g., “*#help*” to help barn-raising, “*#accept*” to accept a neighbor invitation) without leaving the Facebook newsfeed. Similarly, comments taught by Tweet Land

would modify play (e.g., “#*meteor*” would cause a meteor event to appear in the game). (EX1002, ¶¶210-211.) The combination would reduce disruption to users so they can affect FarmVille gameplay directly from the Facebook newsfeed without being taken to a different page. Reducing such navigation friction would improve usability and increase engagement with FarmVille. (*Id.*, ¶212.)

The combination would also expand the pool of people capable of modifying play of the game. Tweet Land teaches that “anyone’s tweets can affect your gameplay,” “even if they are not playing or don’t know anything about Tweet Land.” (EX1011, 2; EX1005, 2.) Applying those teachings to FarmVille would allow anyone who can view/comment on a FarmVille-related post to leave a comment and affect gameplay. Notably, Facebook’s posting framework ensures that a player can only affect gameplay in a controlled manner. For example, Facebook allows users to restrict who can view and/or interact with their posts. (EX1004, 71 (“You can also click the lock next to the Publish button to restrict the news post’s visibility to a certain limited group of your Facebook friends. This feature can be especially handy for sharing FarmVille links only with people you know are interested in playing the game.”); EX1026, 1, 3.) Thus, in FarmVille-Tweet Land, based on the poster’s Facebook permissions/preferences, any FarmVille player who is permitted to view and comment on the post based on permission settings (e.g., the user’s Facebook friends including neighbors and non-

neighbors) can comment to affect elements of gameplay, thus expanding social participation while maintaining a trusted and controlled environment for gameplay. Expanding participation in this manner would be particularly beneficial for newer FarmVille players with relatively few neighbors because collaborative activities, such as barn raising, rely on assistance from other users. Allowing Facebook friends who are not FarmVille neighbors to provide that assistance through comments would make it easier for newer players to complete gameplay tasks and progress through the game, further increasing engagement with FarmVille. (EX1002, ¶¶213-214.)

The combination would have predictably improved the responsiveness, entertainment value, and social reach of FarmVille using known and compatible techniques disclosed in the prior art. The known benefits of Tweet Land would prompt its application in the same field based on design incentives and market forces. A POSITA would have been motivated to use the known comment-based interaction techniques of Tweet Land to improve FarmVille in the same way. Further, it would have been obvious to try, as there were only a finite number of solutions to use social-network interactions to influence games, including clicks and comments. The combination is straightforward and readily achievable by a POSITA, as demonstrated by successful implementations in Tweet Land, and thus there would have been a reasonable expectation of success. (EX1002, ¶¶215-216.)

4. Claim 1

a. 1[PR]: “A computer-implemented method for implementing a multilayer architecture for video gaming, comprising:”

To the extent limiting, FarmVille discloses this preamble. (EX1002, ¶¶217-220.)

First, FarmVille discloses video gaming. “FarmVille is a Web-based farming simulation game produced by a gaming company called Zynga.” (EX1004, 7.) FarmVille includes “interactive and animated content” and thus is a video game. (*Id.*, 17.)

Second, FarmVille discloses implementing a *multilayer architecture* for video gaming. As discussed above, the ’373 patent describes it as offering different video gaming capabilities or levels of play. (*See, e.g.*, EX1001, Abstract, 1:32-34, 3:54-58, 4:1-4.) Consistently, FarmVille provides different video gaming capabilities and levels of play, as discussed below. (*Infra* §IV.C.4.d.)

Third, a POSITA would have understood that FarmVille discloses a “computer-implemented method” for implementing the multilayer architecture for video gaming because FarmVille’s multilayer architecture is implemented via a method performed by computers such as “FarmVille servers” and user devices (*e.g.*, computers, mobile devices, etc.). (EX1004, 11, 15, 26.)

b. 1[A]: “providing a *video gaming environment* hosted on a *server*;

FarmVille discloses this element. (EX1002, ¶¶221-224.)

First, FarmVille discloses providing a *video gaming environment*. For example, for a FarmVille player, the game provides access to a *farm*, which constitutes a video gaming environment. “You manage *your virtual farm* by planting, growing, and harvesting virtual crops; tending livestock and trees;” etc. (EX1004, 7.)

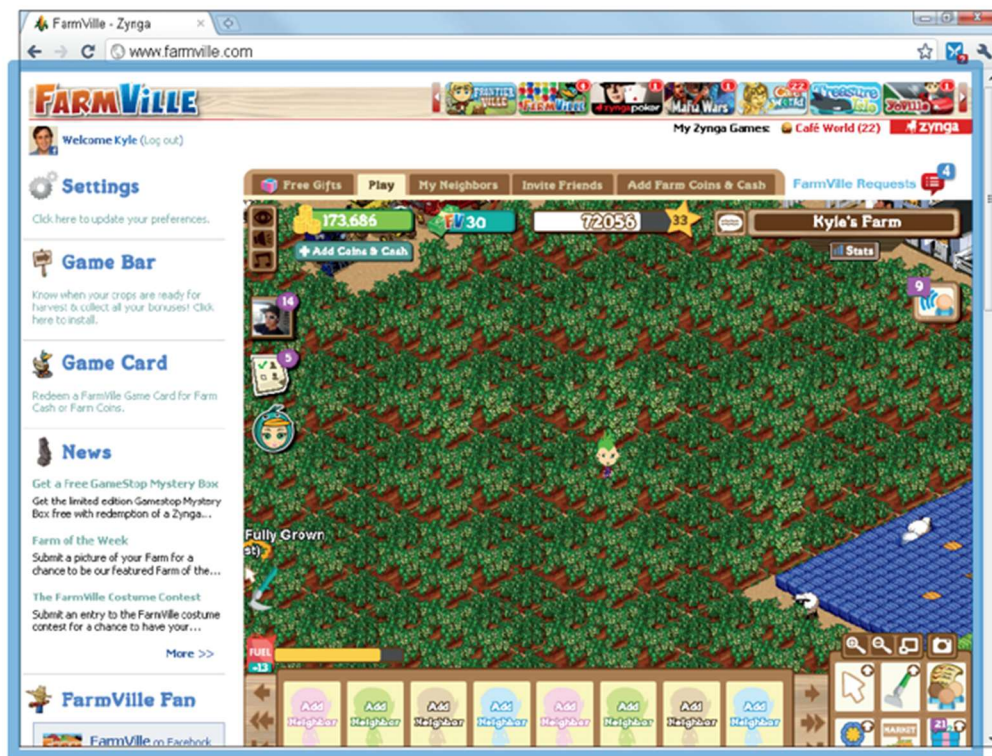


Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)



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

(EX1004, Figure 3-1.)

The '373 patent confirms that a “*video gaming environment*” can correspond to an individual player’s virtual game space. The patent explains that a virtual game arena may be “either individual or shared” and that players may access a virtual game arena of “their own or that of other players.” (EX1001,

12:16-17, 5:29; *see also id.*, 2:65-3:2, 5:1-5.) Thus, FarmVille’s player-specific farm—which the player controls, populates, and decorates, and which other players may visit—is a *video gaming environment* consistent with the patent.

FarmVille’s *video gaming environment* is hosted on a *server*. “*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; *see also id.*, 16.) “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.*, 32, 62.)

c. 1[B]: “providing access, using the *server*, to the *video gaming environment* by a plurality of user devices associated with a plurality of users;”

FarmVille discloses this element. (EX1002, ¶¶225-230.)

First, FarmVille discloses providing access to the *video gaming environment*. For example, a “user can employ practically any computer with an Internet connection and a graphical Web browser to play FarmVille.” (EX1004, 16, 7.) Specifically, FarmVille (and a player’s farm) can be accessed on Facebook and FarmVille.com, as shown below. (*Id.*, 24.)

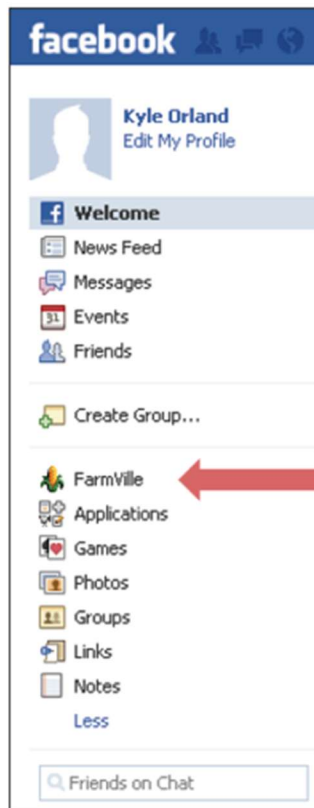


Figure 2-3: How the FarmVille bookmark appears on your Facebook sidebar.

(EX1004, Figure 2-3.)



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

(EX1004, Figure 3-1.)

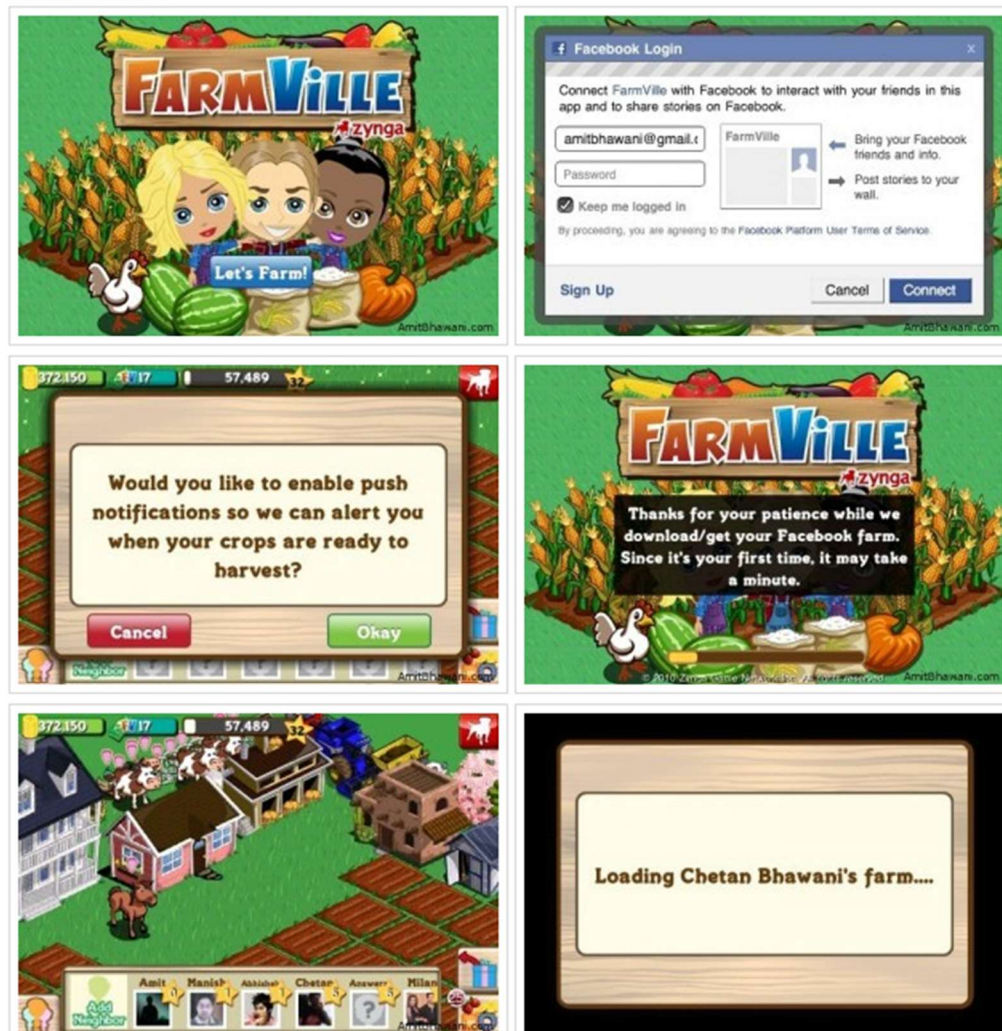


Figure 2-4: Playing FarmVille through FarmVille.com.

(EX1004, Figure 2-4.)

FarmVille's *video gaming environment* can also be accessed via a mobile app. (EX1004, 26; *see also* EX1012, 1-3.)

Game Photos :



(EX1012, 2-3.)

Second, FarmVille further discloses providing access to FarmVille's *video gaming environment* by *user devices* associated with users (e.g., FarmVille players). “[A] user can employ practically *any computer with an Internet connection* and a graphical Web browser[.]” (EX1004, 16; *see also id.*, 8.) Further, “[i]n June 2010, Zynga launched the first mobile FarmVille app for the *iPhone, iPod Touch, and iPad.*” (*Id.*, 26; *see also id.*, 15.)

Third, FarmVille discloses access to FarmVille’s *video gaming environment* is provided using the “*FarmVille servers*.” (*Supra* §IV.C.4.b.)

d. 1[C][1]: “and designating, using the *server*, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the *video gaming environment*,”

FarmVille discloses this element. (EX1002, ¶¶231-236.)

First, FarmVille discloses a plurality of status levels. As discussed below, FarmVille discloses a “first player status level” (*i.e.*, farm owner of the farm), a “second player status level” (*i.e.*, neighbor of the farm), and a “third player status level” (*i.e.*, FarmVille player who is not a neighbor). (*Infra* §§IV.C.4.e-IV.C.4.g.)

Second, FarmVille discloses or suggests *designating* a status level to each user. In FarmVille, “[c]licking the Play tab always redirects you to the play area for *your farm*[.]” (EX1004, 32.) Thus, at a given farm, a player is designated as the farm owner (*i.e.*, “first player status level”).

Further, “[a]s shown in Figure 3-3, this page displays information about your current Facebook friends who play FarmVille. Each friend is grouped into one of the following three categories: *Non-neighbors*, *Neighbors*, *Pending neighbor requests*.” (EX1004, 32, Figure 3-3.) Thus, at a given farm, some FarmVille players are designated as neighbors (*i.e.*, “second player status level”) or as players who are not neighbors (*i.e.*, “third player status level”).

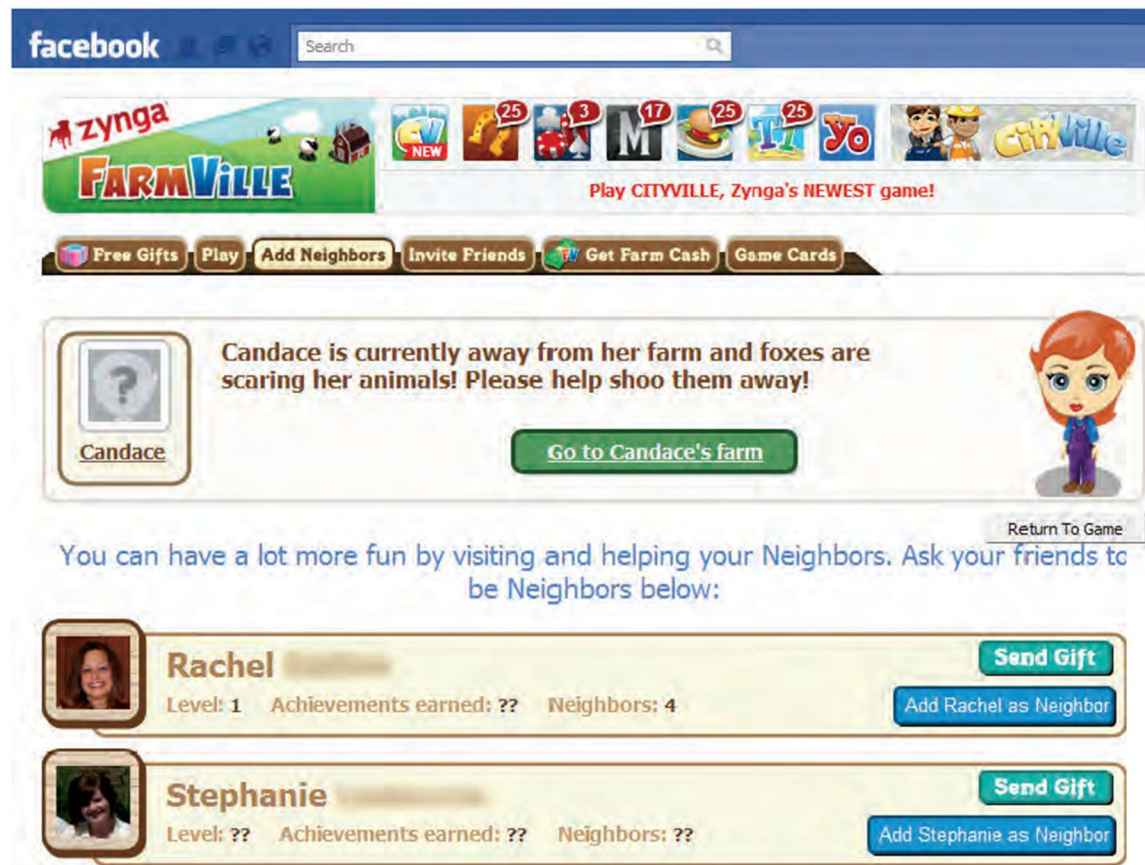


Figure 3-3: The My Neighbors page.

(EX1004, Figure 3-3.)

It would have been obvious to a POSITA that *FarmVille servers*, which operate the FarmVille game in the cloud, would *designate* these status levels for each user in order to maintain the user's relationship status and provide the corresponding game functionality available to that user. (EX1002, ¶235.)

As discussed below, FarmVille discloses that each *status level* provides a *different capability* within the FarmVille *video gaming environment*. (*Infra* §§IV.C.4.e-IV.C.4.g.)

e. 1[C][2]: “the plurality of status levels including a *first player status level* that accords full access and play within the *video gaming environment*,”

FarmVille discloses this element. (EX1002, ¶¶237-240.)

The *farm owner* is accorded full access and play within their *farm* and thus has the *first player status level*. “[Y]ou start with a small, mostly empty *farm*, which we call the play area.” (EX1004, 11; *see also id.*, 32.) “*You* manage *your virtual farm* by planting, growing, and harvesting virtual crops; tending livestock and trees; constructing buildings such as barns and chicken coops; and buying and selling goods made on the farm.” (*Id.*, 7, 11; *see also id.*, 11, 41.) These activities, including capabilities unavailable to other levels of play (*e.g.*, moving objects, purchasing land expansions, etc.), give the *farm owner* full access and play within his *own farm*. (*Infra* §§IV.C.4.f-IV.C.4.g; *see also* EX1004, 40, 100.)

f. 1[C][3]: “[the plurality of status levels including] a *second player status level* that accords restricted access and play within the *video gaming environment*,”

FarmVille discloses this element. (EX1002, ¶¶241-244.)

A *neighbor* of a FarmVille *farm* is accorded restricted access and play within the *farm* owned by another FarmVille player (*e.g.*, *farm owner*). “FarmVille *neighbors* are a subset of your Facebook friends[.]” (EX1004, 12; *see also id.*, 27.) A Facebook friend “has to accept this [neighbor] request before you can visit his or her farm or take part in other neighbor activities with that player.”

(*Id.*, 57.)

Unlike the *farm owner*, a *neighbor* has restricted access and play within 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. . . [E]xcept for feeding chickens, you can complete only five of these tasks in aggregate per neighbor farm per calendar day.” (EX1004, 62.) Further, “[s]tored items can’t be seen by neighbors who visit your farm.” (*Id.*, 154.) Thus, unlike a farm owner, a *neighbor* is accorded restricted access to items and activities and restricted play capabilities on the *farm*. (*See id.*, 40, 62, 100.)

g. 1[C][4]: “and [the plurality of status levels including] a *third player status level* that accords reactive access and play within the *video gaming environment*,”

FarmVille-Tweet Land discloses this element. (EX1002, ¶¶245-247.)

On a given FarmVille *farm*, a *non-neighbor* is a FarmVille player who is not the farm owner and is not a neighbor to the farm. “After your friend installs the game (and shows up on the My Neighbors tab as a friend who has already installed FarmVille), you still have to send that friend a neighbor request Your friend then has to accept this request *before you can visit his or her farm or take part in other neighbor activities with that player.*” (EX1004, 57; *see also id.*, 32.)

In the FarmVille-Tweet Land combination, a *non-neighbor* is accorded reactive access and play within the farm. As a FarmVille player who is a

Facebook friend of the *farm owner*, a *non-neighbor* can view and react to the *farm owner*'s Facebook posts to modify play on the *farm*, even though he is not a neighbor and thus cannot visit the *farm* to help with tasks. (*Infra* §§IV.C.4.h-IV.C.4.i; *supra* §IV.C.3)

h. 1[C][5]: “the reactive access specifying that a keyword response *commented* by a user having the *third player status level* on a *social network post* of a user having the *first player status level* or the second player status level”

FarmVille-Tweet Land discloses this element. (EX1002, ¶¶248-258.)

First, FarmVille discloses that *farm owners* can post FarmVille-related events to Facebook. “These *news posts* can involve everything from opportunities to adopt animals or accept free items to requests for help with building upgrades.” (EX1004, 70.)

For example, a *farm owner* can post a *barn-raising event* to Facebook. (EX1004, 155, 156 (explaining that a *farm owner* can “click Publish . . . [such that their] *barn-raising request* is now posted on [their] news feed”).)



(EX1017, 1.)

As another example, a *farm owner* can post a *neighbor request* to Facebook. FarmVille explains that when a *farm owner* “[c]lick[s] the My Neighbors tab,” “[a] list of [their] current Facebook friends who have already installed FarmVille appears at the top of [the] page.” (EX1004, 54, Figure 4-1.) The *farm owner* can “click the blue Add as Neighbor button next to the friend to whom [they] want to send a neighbor request” and then “[c]lick Send” to send the neighbor request. (*Id.*, 54-55.) “A *neighbor request* will be posted to your friend’s Facebook news feed.” (*Id.*)



Figure 4-1: The My Neighbors page.

(EX1004, Figure 4-1.)

Second, Facebook users can **comment** on *FarmVille-related social network posts* as a form of reaction, as shown below. Using this comment GUI, in the FarmVille-Tweet Land combination, a Facebook user can **comment** on *FarmVille-related social network posts* to affect play on the farm, as taught by Tweet Land.



(EX1017, 1.)



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

(EX1004, Figure 3-9.)

Specifically, Tweet Land discloses that **keyword comments** such as Tweets can trigger actions or events in the game. “[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.) For example, “if

someone *tweets the word ‘meteor’* then a meteor will fly in from off screen[.]”

(EX1014, 2.) In the figure below, a user (@someone) tweeted “*I just saw a huge meteor!*” In response, a meteor appears in the Tweet Land game.



(EX1019, 2; EX1005, 2; EX1010, 3.)

Thus, in the FarmVille-Tweet Land combination, a Facebook friend can view the farm owner’s *social network post* and react with a keyword *comment* on such *social network post* to modify play. For example, in FarmVille, after the “barn-raising request is now posted on your news feed,” “[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.) Consistently, in the combination, a Facebook friend would enter a keyword *comment* (e.g., “*#help*”) on such a *social network post* to help with barn raising. (*Supra* §IV.C.3.)



(EX1017, 1.)

As another example, in FarmVille, after a farm owner posts a neighbor request to their friend's Facebook news feed, "[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.*" (EX1004, 55.) Consistently, in the combination, a Facebook friend would enter a keyword *comment* (e.g., "*#accept*") on such a *social network post* to accept the farm owner's neighbor request. (*Supra* §IV.C.3.)

Third, the FarmVille-Tweet Land combination discloses the keyword response is by a user having the *third player status level* (i.e., *non-neighbor* FarmVille player). Tweet Land discloses that "every time *someone in the world tweets* something, their tweets affect the gameplay of Tweet Land by triggering certain action-keywords," and "people around the world are always creating tweets for the game based on real-life experiences; even if they are not playing or don't know anything about Tweet Land." (EX1005, 2.) Accordingly, in the combination, anyone who can view and interact with the post (according to the

user's permission settings) would be able to comment to affect elements of gameplay. (See, e.g., EX1004, 71; EX1026, 1, 3.) These people would include a Facebook friend who is a non-neighbor player to the farm (*i.e.*, *third player status level*).

Further, in the FarmVille-Tweet Land combination, keyword *comments* as taught by Tweet Land would directly cause events or environmental changes to occur in the farm, as taught by Tweet Land. (*Supra* §IV.C.3.) For example, a *non-neighbor* Facebook friend would *comment* the keyword “#*meteor*” on the *farm owner's FarmVille-related Facebook post* to cause a meteor event to appear within the farm owner's farm, as taught by Tweet Land. (*Id.*)

i. 1[C][6]: “[the reactive access specifying that the commented keyword response] *affects elements of gameplay on the video gaming environment.*”

FarmVille-Tweet Land discloses this element. (EX1002, ¶¶259-266.)

Tweet Land discloses keyword *comments affecting elements of gameplay* on the *video gaming environment*. “[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 id.*, 1.) For example, “if someone *tweets the word ‘meteor’* then *a meteor will fly in from off screen*[.]” (EX1014, 2.) In the figure below, a user (@someone) tweeted “*I just saw a huge meteor!*” In response, *a meteor appears* in the Tweet Land game.



(EX1019, 2; EX1005, 2; EX1010, 3.)

As another example, 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.)

Based on Tweet Land’s teaching, in the FarmVille-Tweet Land combination, a FarmVille player who is not a neighbor to a *farm* (i.e., a *non-neighbor*) would nevertheless be able to *comment* a keyword response to a *Facebook post* to *affect elements of gameplay* on the *farm*. For example, instead of clicking, a non-neighbor would comment the keyword “*#help*” in response to the barn raising Facebook post to “*complete your barn raising and expand your building’s storage[.]*” (EX1004, 156.) Elements of gameplay are affected, for example, by updating server-side databases/states of the barn raising progress and updating the game display of the farm owner’s *farm*.

As another example, instead of clicking, a non-neighbor would comment the keyword “*#accept*” in response to the neighbor request Facebook post to “officially

become[] your neighbor.” (EX1004, 55.) FarmVille further explains that “[f]riends who accept then *appear in the form of a profile picture and username in the Neighbor bar* at the bottom of your FarmVille game.” (*Id.*) Thus, elements of gameplay are affected (*e.g.*, via updating server-side databases of the neighbors and via display of new neighbors).

Further, in the combination, a non-neighbor would comment the keyword “#*meteor*” in response to the farm owner’s FarmVille-related Facebook post to *cause a meteor event to appear* within the farm owner’s *farm* (*e.g.*, via updating server-side databases of game states and the game display of the *farm*). (*Supra* §IV.C.3.)

In the same manner that FarmVille already determines gameplay effects based on Facebook *clicks*, FarmVille-Tweet Land would analyze the content of the comments, identify the keywords as taught by Tweet Land, and *affect elements of gameplay* on the *video gaming environment* accordingly. (*See* EX1004, 156.)

5. Claim 2

FarmVille-Tweet Land discloses this claim. (EX1002, ¶¶267-269.)

As discussed above, FarmVille discloses the plurality of users (*e.g.*, FarmVille players) access the video gaming environment via user devices. (*Supra* §IV.C.4.c.) These user devices include a personal computer, a laptop, a mobile device, and a tablet. “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.) For example, “[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[.]” (*Id.*, 26; *see also id.*, 15.)

6. Claim 3

FarmVille-Tweet Land discloses this claim. (EX1002, ¶¶270-274.)

FarmVille discloses a *social network* server, specifically, a *Facebook* server. FarmVille “takes advantage of *Facebook’s social networking framework* to encourage interaction with other players. Socializing with other players by visiting their farms, sharing gifts, and participating in cooperative jobs is one of the keys to getting the most out of the game.” (EX1004, 9; *see also id.*, 15 (“[a]fter your computer is all set up for FarmVille, you need to get connected to *Facebook* before you start farming”), 12, 19.)

As shown below, the FarmVille app can be accessed and played on *Facebook*. (EX1004, 24.) 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[.]” (*Id.*, 22.) For example, FarmVille can be accessed through *apps.facebook.com*. (*Id.*, Figure 3-1; *see also id.*, 26.) A POSITA would understand that Facebook is operated by Facebook servers. (*See* EX1008, FIG. 3, 8:57-62 (stating that social networking system 320a includes

Facebook); EX1028, 7:22-23 (“Physical servers 22 may host functionality directed to the operations of social network environment 20.”).)

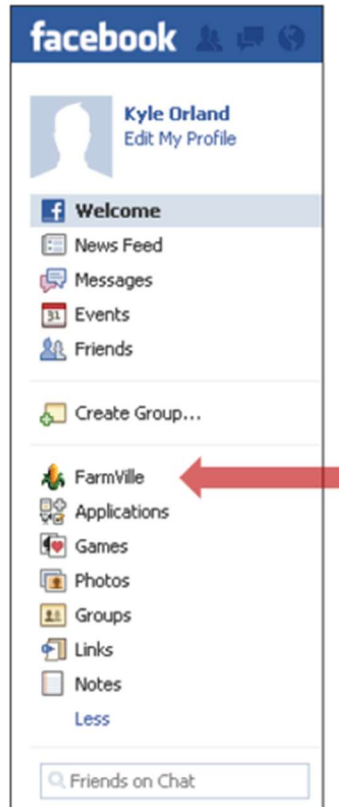


Figure 2-3: How the FarmVille bookmark appears on your Facebook sidebar.

(EX1004, Figure 2-3.)

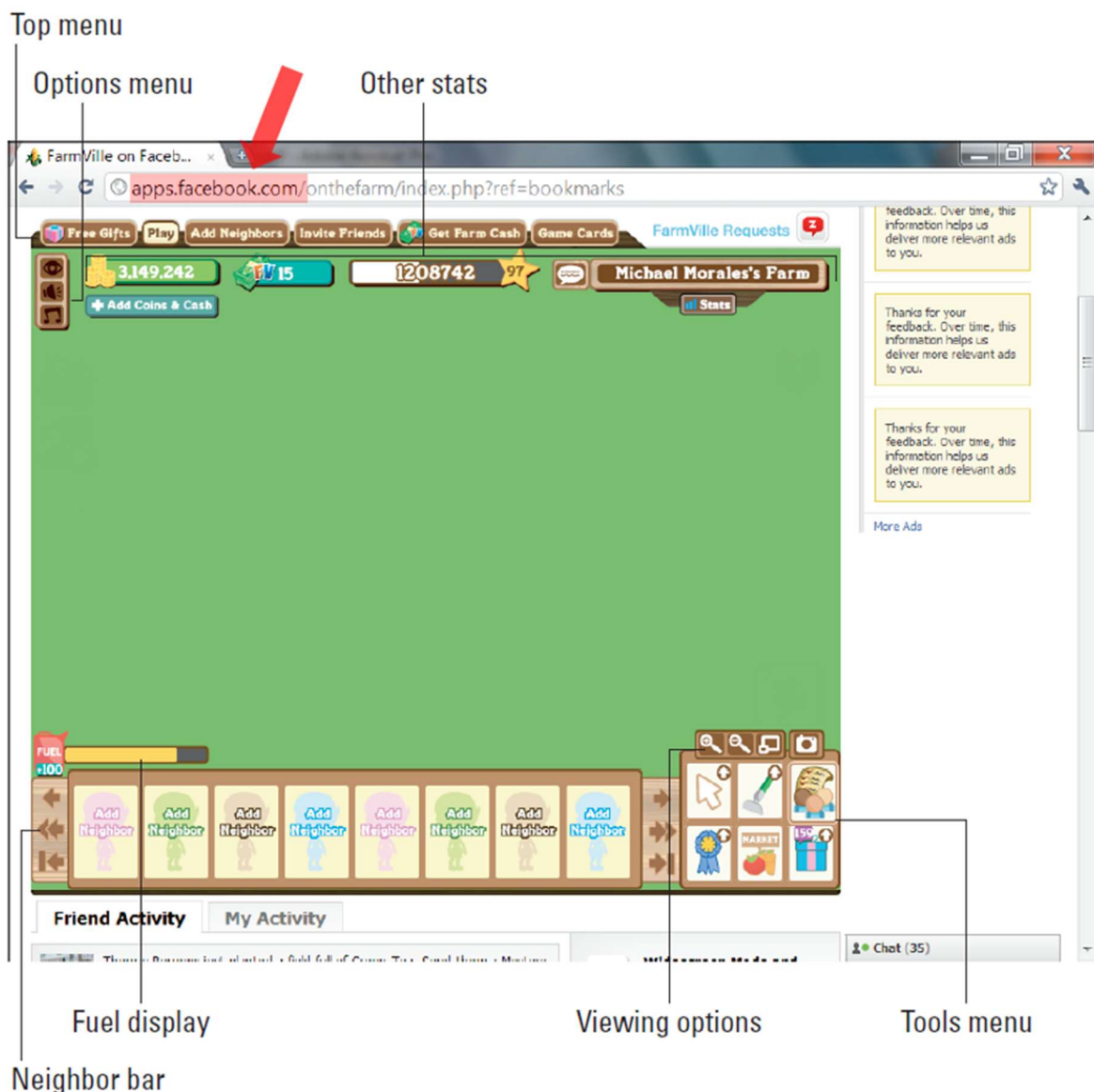


Figure 3-1: The major parts of the FarmVille user interface.

(EX1004, Figure 3-1.)

FarmVille further discloses hosting the FarmVille game (including the *farms*) in association with the **Facebook** servers. Particularly, FarmVille discloses FarmVille servers that operate many aspects of the FarmVille game through communication with **Facebook**. “This farm, and the game itself, . . . exist on ‘the

cloud’ of FarmVille servers maintained by developer Zynga.” (EX1004, 11; *see also id.*, 16, 17, 32, 62, 225-229.) “[T]he introduction of the **Facebook** platform allowed third-party companies to build applications that integrated seamlessly with **Facebook’s social network**, . . . includ[ing] games such as FarmVille.” (*Id.*, 21; *see also id.*, 22.) Additionally, “[w]hile you’re playing FarmVille, many opportunities arise for you to post a message on your Facebook news feed.” (*Id.*, 70; *see also supra* §IV.C.4.h.) A POSITA would understand that the FarmVille game (including the **farms**) are hosted by FarmVille servers, which communicate with (and thus are associated with) **Facebook** servers to provide and enable gameplay on Facebook. (*See* EX1008, 8:57-62 (“the game networking system 320b can communicate data 347 (e.g., game state information, game system account information, page info, messages, data requests, updates, etc.) with other networking systems, such as the **social networking** system 320a (e.g., **Facebook**, Myspace, etc.)”).)

7. Claim 4

FarmVille-Tweet Land discloses this claim. (EX1002, ¶¶275-276.)

“This farm, and the game itself, . . . exist on ‘the cloud’ of **FarmVille servers maintained by developer Zynga.**” (EX1004, 11; *see also id.*, 16.)

“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.*, 32, 62, 225-229.)

8. Claim 5

FarmVille-Tweet Land discloses hosting the *video gaming environment* on a *cloud of distributed servers*. (EX1002, ¶¶277-278.)

FarmVille discloses that a “*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; *see also id.*, 17 (“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*”), 225-226.) Particularly, “[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.” (*Id.*, 16.) Thus, FarmVille expressly discloses hosting FarmVille’s *video gaming environment* (e.g., a player’s farm) in a cloud of distributed servers (e.g., FarmVille/Zynga servers).

9. Claim 6

FarmVille-Tweet Land discloses this claim. (EX1002, ¶¶279-283.)

First, FarmVille discloses a cross-platform server hosting the video gaming environment. Consistent with the ’373 patent, FarmVille servers are cross-platform servers accommodating access to the same game by different platforms (e.g., Facebook.com, FarmVille.com, FarmVille mobile app). “The FarmVille app

offers access to *the same farm you maintain* on Facebook.com or FarmVille.com[.]” (EX1004, 26.) “The game is almost *exactly the same in both Web locations* — in fact, the same *farm* you maintain on Facebook is accessible on FarmVille.com, and vice versa.” (*Id.*, 24.) Since the “*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), the *FarmVille servers* accommodate access by different user platforms and devices to a player’s *farm*.

As discussed above, FarmVille discloses that the *FarmVille servers* provide access to a player’s *farm* through multiple *user devices*. (*Supra* §IV.C.4.c.)

10. Claim 7

FarmVille-Tweet Land discloses this claim. (EX1002, ¶¶284-286.) Consistent with the ’373 patent, FarmVille discloses “concurrent operation of multiple games” that permits “concurrent ‘solo’ play by a player[.]” (EX1001, 3:48, 4:61.)

FarmVille discloses that multiple users can play on a *farm* concurrently (*i.e.*, concurrent “solo” play). “Your neighbors can see your farm at any time with a quick in-game visit.” (EX1004, 223; *see also id.*, 61.) As described above, when visiting the farm owner’s farm, a neighbor can perform neighbor activities on the farm, allowing the neighbor to participate in “solo” play. (*Supra* §IV.C.4.f.)

Therefore, a plurality of users (*e.g.*, the farm owner and a neighbor) can access the *farm* for concurrent play.

Further, FarmVille discloses that a player's *farm* is maintained in the cloud such that the same farm can be accessed via multiple platforms and user devices concurrently. "JavaScript lets your browser talk to the FarmVille servers and keep the farm that you see on your screen *synced with the version* stored in the Internet 'cloud' of online servers." (EX1004, 17; *see also id.*, 11, 16.) Thus, multiple players can access *the same farm* (*e.g.*, as stored in "the cloud") for concurrent play.

11. Claim 8

a. 8[PR]: "A system for implementing a multilayer architecture for video gaming,"

To the extent limiting, FarmVille discloses or renders obvious this preamble. (EX1002, ¶287.) As discussed above, FarmVille discloses implementing a multilayer architecture for video gaming. (*Supra* §IV.C.4.a.) It would have been obvious to a POSITA that implementing a multilayer architecture for the FarmVille game involves a computer-implemented system. Zynga's own patent confirms this. (EX1008, 19:11-13, claim 1.)

b. 8[A][1]: "comprising a processor"

FarmVille discloses or renders obvious this element. (EX1002, ¶288.) FarmVille discloses that "[y]our farm and the game program required to maintain

it exist as part of a series of *online data centers* maintained by FarmVille’s publisher, Zynga.” (EX1004, 16.) “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.) A POSITA would have understood (and it would be obvious) that FarmVille servers would include one or more processors. Zynga’s own patent confirms this. (EX1008, 19:11-14, claim 22.)

c. 8[A][2]: “and a memory, wherein the memory provides instructions that cause the processor to:”

FarmVille discloses or renders obvious this element. (EX1002, ¶289.) A POSITA would have understood (and it would be obvious) that FarmVille servers would include a memory. Further, FarmVille states that “[y]our farm and the *game program* required to maintain it exist as part of a series of online data centers maintained by FarmVille’s publisher, Zynga.” (EX1004, 16.) In other words, 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. (*Id.*) Zynga’s own patent confirms this. (EX1008, 17:35-59, claim 22.)

d. 8[B]-8[D][6]

FarmVille-Tweet Land discloses these elements as discussed with respect to 1[A]-1[C][6]. (Supra §§IV.C.4.b-IV.C.4.i; EX1002, ¶¶290-297.)

12. Claims 9-14

FarmVille-Tweet Land discloses these claims as discussed above with respect to claims 2-7. (Supra §§IV.C.5-IV.C.10; EX1002, ¶¶298-303.)

D. Ground 4: FarmVille, Tweet Land, and Zynga Patent Render Obvious Claims 1-14.

1. Summary of Zynga Patent

Zynga patent was filed on September 26, 2011, 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, ¶¶304-305.) Zynga patent describes operating online games and explicitly mentions “Farmville.” (EX1008, 14:53.)

2. A POSITA would have been motivated to combine FarmVille-Tweet Land 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 ’373 patent, are from the same field of endeavor, and address the same technical problem of operating online games. (EX1001, Abstract; EX1002, ¶306.)

The combination merely applies known operations of Zynga’s game servers (*e.g.*, FarmVille servers) to FarmVille. The FarmVille reference is generally

focused on user-facing gameplay experience, while Zynga patent describes backend operations of online games like FarmVille. To the extent that FarmVille does not explicitly disclose hosting the FarmVille game (*e.g.*, farms) in association with a social network server or on a cloud of distributed servers (not conceded), Zynga patent explicitly discloses both. Zynga patent also discloses backend functionality for designating player status and operating the game based on that status. In the FarmVille-Tweet Land-Zynga combination, the FarmVille game (*e.g.*, farms) would be hosted on a cloud of distributed Zynga servers in association with a social network server, and the Zynga servers would designate and maintain player-status information to govern the player's interaction with the game.

The combination would predictably provide centralized and synchronized access to a player's game, distributing game-processing functions across servers, facilitating interaction with a social-network service, and maintaining a consistent game state across gameplay sessions and client platforms. (*See* EX1008, 8:39-40, 8:57-62, 9:66-10:3, 12:29-31.) Zynga patent's known benefits would prompt its application in the same field based on design incentives and market forces and would yield the predictable result of a scalable, networked game architecture. A POSITA would have been motivated to combine the references to improve FarmVille in the same way.

Further, it would have been obvious to try combining the teachings as there

were only a finite number of identified and predictable solutions for operating an online game on a server infrastructure capable of coordinating gameplay with social-network interactions and maintaining game state across sessions and client platforms, such as the centralized management and distributed server arrangements disclosed by the Zynga patent or a more localized approach. The combination is straightforward and readily achievable by a POSITA, as demonstrated by successful implementations in the field. Thus, there would have been a reasonable expectation of success in combining the references. (EX1002, ¶¶307-310.)

3. Claim 1

a. 1[PR]-1[B]

The combination discloses these elements as discussed above with respect to Ground 3. (*Supra* §§IV.C.4.a-IV.C.4.c; EX1002, ¶¶311-313.)

b. 1[C][1]: “and designating, using the *server*, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the *video gaming environment*,”

The combination discloses these elements. (*Supra* §IV.C.4.d; EX1002, ¶¶314-315.)

Zynga patent specifies that “a remote *game server*, such as *game networking system 120b*, provides backend support” such that “*game network system 120b* can *maintain social graph information* with edge type attributes that indicate whether a given friend is an ‘*in-game friend*,’ an ‘*out-of-game friend*,’ or

both.” (EX1008, 4:35-36, 6:64-67.) Thus, in the combination, the *FarmVille servers* would maintain social graph information *designating* the different status levels (e.g., farm owner, neighbor, non-neighbor) for each user.

c. 1[C][2]-1[C][6]

The combination discloses these elements as discussed above with respect to Ground 3. (*Supra* §§IV.C.4.e-IV.C.4.i; EX1002, ¶¶316-320.)

4. Claim 3

The combination discloses this claim. (*Supra* §IV.C.6; EX1002, ¶¶322-323.)

Zynga patent discloses servers that operate an online game (e.g., “game networking system 320b [which] can . . . have one or more servers”) by communicating with a *social network* server. (EX1008, 8:39-40.) As shown in FIG. 3, “the game networking system 320b can communicate data 347 (e.g., game state information, game system account information, page info, messages, data requests, updates, etc.) with other networking systems, such as the *social networking system 320a* (e.g., *Facebook*, Myspace, etc.).” (*Id.*, 8:57-62; *see also id.*, 8:62-67, FIG. 3.) Further, “[t]he social networking system 320a . . . can also have one or more servers[.]” (*Id.*, 8:38-40.) Thus, in the FarmVille-Tweet Land-Zynga combination, FarmVille’s *video gaming environment*, as hosted on game networking system 320b (FarmVille servers), is hosted in association with a *social*

network server (e.g., social networking system 320a).

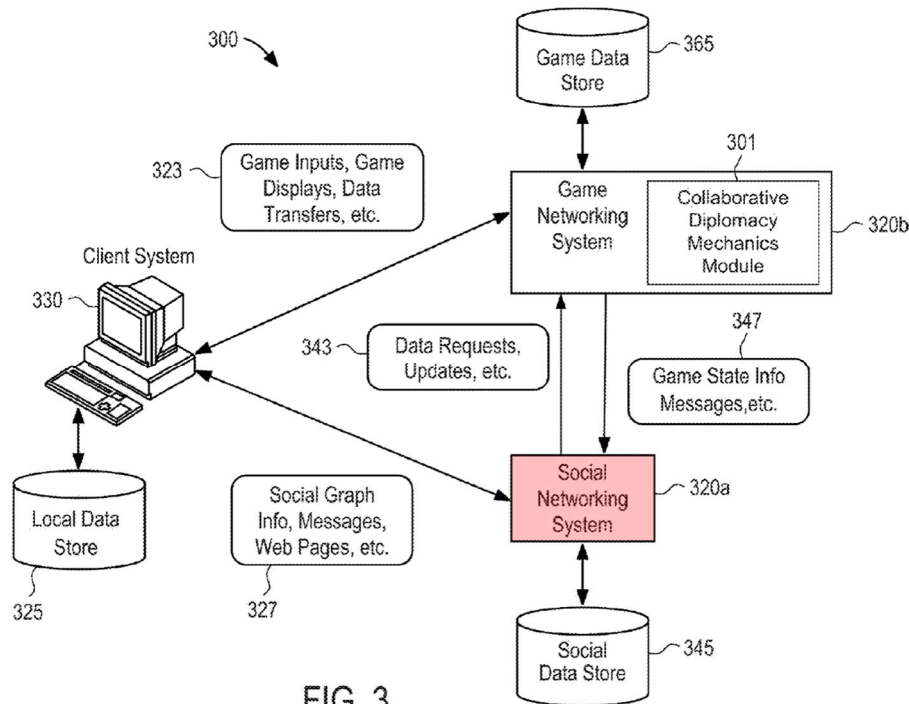


FIG. 3

(EX1008.)

5. Claim 5

The combination discloses this claim. (*Supra* §IV.C.8; EX1002, ¶¶325-326.)

Zynga patent discloses “[a]n *online game* can be *hosted by the game networking system 320b*, which can be *accessed over any suitable network* with an appropriate client system 330.” (EX1008, 12:16-18.) Particularly, “any combination of the functions of the present disclosure [(e.g., an online game)] can be hosted on or provided from any number of *distributed network resources*.” (*Id.*, 12:29-31.) “[T]he game networking system 320b can have, for example, *one*

or more internet servers[.]” (*Id.*, 8:42-43.) Thus, in the FarmVille-Tweet Land-Zynga combination, FarmVille’s *video gaming environment*, as hosted on game networking system 320b, is hosted in a cloud (*i.e.*, internet-based) of distributed servers.

6. Claim 7

The combination discloses this claim. (*Supra* §IV.C.10; EX1002, ¶¶328-329.)

Zynga patent explicitly states that “[a]t any given time, there may be *multiple players* at multiple client systems 330 *all playing the same online game*. In practice, *the number of players playing the same game at the same time may be very large*.” (EX1008, 9:66-10:3; *see also id.*, 5:9-14.) For example, “a game instance associated with a specific player may be *accessible by one or more other players, either synchronously or asynchronously with the specific player's game play*.” (*Id.*, 5:47-50.) Thus, in the FarmVille-Tweet Land-Zynga combination, a plurality of users (*e.g.*, the farm owner and a neighbor) can access a player’s *farm* for concurrent play.

7. Claims 2, 4, 6

The combination discloses these claims as discussed above with respect to Ground 3. (*Supra* §§IV.C.5, IV.C.7, IV.C.9, IV.D.2; EX1002, ¶¶321, 324, 327.)

8. Claim 8

a. 8[PR]-8[A][2]

The combination discloses these elements as discussed above with respect to Ground 3. (Supra §§IV.C.11.a-IV.C.11.c; EX1002, ¶¶330-332.)

b. 8[B]-8[D][6]

The combination discloses these elements as discussed above with respect to 1[A]-1[C][6]. (Supra §§IV.D.3.a-IV.D.3.c; EX1002, ¶¶333-340.)

9. Claims 9-14

The combination discloses these claims as discussed above with respect to claims 2-7. (Supra §§IV.D.4-IV.D.7; EX1002, ¶¶341-346.)

V. NOTICES AND STATEMENTS

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

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

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

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

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

Pursuant to 37 C.F.R. § 42.104(a), Petitioner certifies that the '373 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

IPR2026-00514
Patent No. 9,889,373

No. **03-1952**, referencing Docket No. **78194-00000.85**.

Dated: September 28, 2026

Respectfully submitted,

By /s/ Alex S. Yap

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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 12,792 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: September 28, 2026

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

IPR2026-00514
Patent No. 9,889,373

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. 9,889,373:

Patent Law Works, LLP
4516 South 700 East, Suite 290
Salt Lake City, UT 84107
UNITED STATES

Dated: September 28, 2026

/s/ Alex S. Yap
Alex S. Yap