

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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WARGAMING GROUP LIMITED,  
Petitioner,  
v.

GAME AND TECHNOLOGY CO., LTD.,  
Patent Owner.

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Case IPR 2017-01082  
Patent 7,682,243

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**PETITIONER'S REPLY IN SUPPORT OF  
PETITION FOR *INTER PARTES* REVIEW**

In its Preliminary Response, Patent Owner states that “[a]s attested to in the Witness Statement of Service in Civil Action No. 2:15-cv-01260 by John Frederick Talbot, Mr. Talbot served Mr. Costas A. Joannou, who received service on behalf of Wargaming.net LLP, on December 10, 2015, in London, England.”<sup>1</sup> Paper 8 at 4. Petitioner denies that Wargaming.net LLP was served in the manner described by Mr. Talbot and requests that the Board consider the declaration of Mr. Joannou, which refutes Mr. Talbot’s witness statement.

Mr. Joannou is the vice chairman of Wargaming.net LLP’s former accounting and auditing firm. Ex. 1017 ¶ 2. Mr. Joannou does not recall ever meeting Mr. Talbot, ever confirming to Mr. Talbot that he was authorized to accept service on behalf of Wargaming.net LLP, or ever receiving any documents from Mr. Talbot. *Id.* ¶¶ 4, 8. Mr. Joannou reviewed Patent Owner’s Exhibits 2001 and 2002, and he has no recollection of ever receiving the papers or materials referenced in those exhibits. *Id.* ¶¶ 3–4, 8. Indeed, Mr. Joannou’s diary from December 10, 2015 confirms that Mr. Joannou was most likely attending meetings in Central London and was not at his office at the time Mr. Talbot claims to have left the documents with Mr. Joannou. *Id.* ¶ 5 and p. 10.

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<sup>1</sup> Although entitled “Witness Statement of Service in Civil Action No. 2:15-cv-01260,” the statement was not filed in the district court litigation.

Mr. Joannou's firm has a long-standing practice for handling letters received on behalf of clients such as Wargaming.net LLP: in all such cases, that the firm makes a record of such activity, and that the firm immediately arranges to send the letters to the client via courier and charges the client for the courier fees. Ex. 1017 ¶¶ 6–7. Mr. Joannou's records show several courier shipments and charges were made to Wargaming.net LLP over the years, but the last shipment to Wargaming.net LLP was made in September 2015—months before Mr. Talbot allegedly served Wargaming.net LLP in December 2015. *Id.* ¶ 7 and pp. 6, 8. Mr. Joannou states that there is no record of any courier fees charged to Wargaming.net LLP in December 2015, or the months thereafter, as there would have been if he had received any materials on behalf of Wargaming.net LLP. *Id.* ¶¶ 6–8.

For the reasons set forth above, Petitioner requests that the Board find that Wargaming.net LLP was not properly served, that *inter partes* review is not time barred, and that the Board institute *inter partes* review of the '243 Patent.

August 16, 2017

Respectfully submitted,

/Harper Batts/

Harper Batts

Reg. No. 56,160

BAKER BOTTS L.L.P.

## **CERTIFICATE OF COMPLIANCE**

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that the foregoing Reply contains no more than 2 pages and therefore complies with the page limitation specified in the Board's Order Granting Petitioner's Request to File a Reply to Patent Owner's Preliminary Response. *See* Paper 11 at 4.

August 16, 2017

/Harper Batts/  
Harper Batts

## **CERTIFICATE OF SERVICE**

The undersigned certifies that on August 16, 2017, a complete copy of the foregoing Reply and Exhibit 1017 were served via electronic mail to counsel for the Patent Owner at the email address designated in the Patent Owner's Mandatory

Disclosures:

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August 16, 2017

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