

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY INTERACTIVE ENTERTAINMENT LLC,  
Petitioner,

v.

BOT M8, LLC,  
Patent Owner.

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IPR2020-01218  
Patent 8,095,990 B2

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Before KALYAN K. DESHPANDE, LYNNE E. PETTIGREW, and  
JAMES A. TARTAL, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314

I. INTRODUCTION

Petitioner, Sony Interactive Entertainment LLC, filed a Petition for *inter partes* review of claims 1–10 of U.S. Patent No. 8,095,990 B2 (Ex. 1001, “the ’990 patent”). Paper 2 (“Pet.”). Patent Owner, Bot M8 LLC, filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we have authority to institute an *inter partes* review if “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). After considering the parties’ briefing and the evidence of record, we conclude the information presented does not show there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of claims 1–10 of the ’990 patent. Accordingly, we do not institute an *inter partes* review.

## II. BACKGROUND

### *A. Related Matters*

The parties identify the following district court proceeding related to the ’990 patent: *Bot M8, LLC v. Sony Corporation of America*, 3:19-cv-07027 (N.D. Cal.). Pet. 81; Paper 5, 1 (Patent Owner’s Mandatory Notices). Petitioner asserts that the ’990 patent has been dismissed from that case due to failure to state a claim of infringement. Pet. 81.

### *B. Overview of the ’990 Patent*

The ’990 patent describes a gaming machine and a gaming information authentication loading device configured to authenticate and load gaming information stored in a portable storage medium. Ex. 1001, 1:15–23. The disclosed gaming machine contains a game action executing device, a loading device, and a process device. *Id.* at 4:43–5:3. The loading device contains a connection unit for connecting a storage medium containing gaming information to the gaming machine. *Id.* at 5:4–9.

The ’990 patent explains that in the prior art, when a removable storage medium is employed to carry gaming information to a gaming

machine, a malicious third party can copy or falsify the stored gaming information. *Id.* at 1:25–48. The '990 patent addresses this security problem by employing a two-way authentication configuration where the gaming machine stores an authentication program for authenticating the gaming information and the gaming information of the removable storage medium stores a mutual authentication program in order to maintain consistency between the gaming information and the authentication program. *Id.* at 5:9–19.

Figure 11 of the '990 patent is reproduced below:

FIG. 11

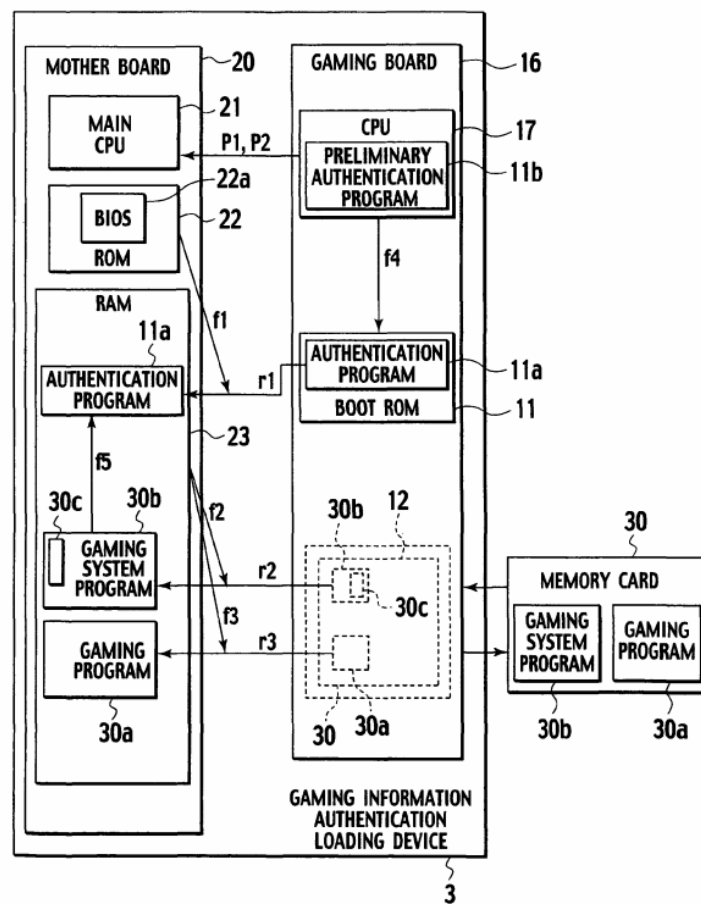
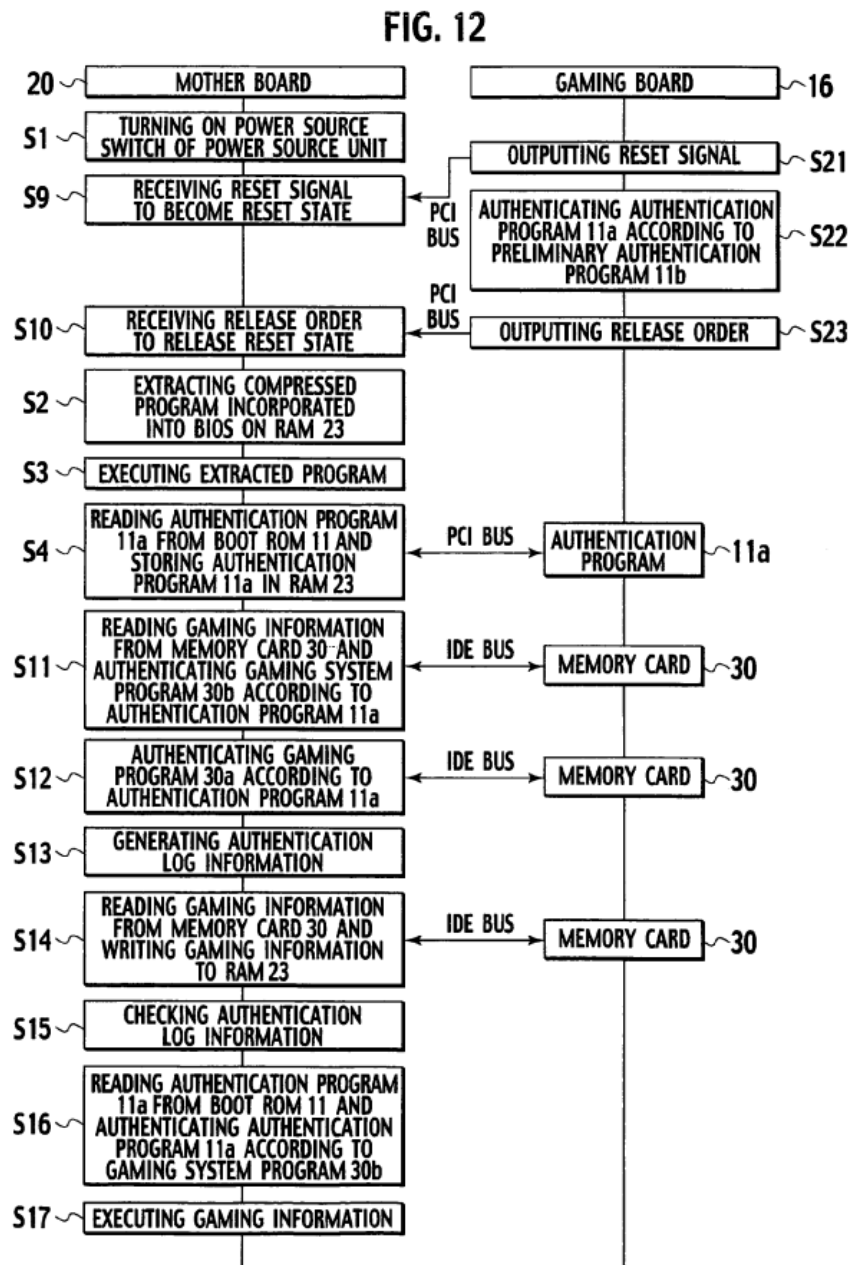


Figure 11 above is a block diagram illustrating a gaming information authentication loading device according to one embodiment disclosed in the

'990 patent. *Id.* at 6:48–51, 13:13–24. A gaming machine (e.g., a slot machine) incorporates gaming information authentication loading device 3, a process device (e.g., mother board 20), and a loading device (e.g., gaming board 16). *Id.* at 7:8–11. The loading device includes a connection unit (e.g., card slot 12) that receives and connects to a removable storage medium (e.g., memory card 30) carrying gaming information (e.g., gaming program 30a and gaming system program 30b) and mutual authentication program 30c included within the gaming information. *Id.* at 7:45–51. The loading device also includes a program storage unit (e.g., boot ROM 11) that stores authentication program 11a. *Id.* at 7:32–34. The process device contains a readable and rewriteable storage unit (e.g., RAM 23), a reading unit and writing unit (e.g., main CPU 21), an action controlling unit (e.g., main CPU 21), an authentication unit (e.g., main CPU 21), and a mutual authentication unit (e.g., main CPU 21). *Id.* at 7:54–8:13.

Figure 12 of the '990 patent, reproduced below, shows the gaming information authentication loading procedure. *Id.* at 6:52–56, 13:25–14:62.



As shown in Figure 12 above, with reference to Figure 11, authentication program 11a is read (r1) at step S4 from boot ROM 11 to RAM 23. *Id.* at 13:56–62. As the gaming information (including gaming system program 30b) is read (r2, r3) from memory card 30 to RAM 23, the gaming

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