

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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Case No. 2020-01288  
U.S. Patent No. 7,664,988

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 7,664,988**

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## I. INTRODUCTION

Petitioner Sony Interactive Entertainment LLC requests an *Inter Partes* Review (“IPR”) of Claims 1-10 (“Challenged Claims”) of U.S. Patent No. 7,664,988 (“’988 Patent”) (Ex. 1001).

## II. SUMMARY OF THE ’988 PATENT

### A. Alleged Invention

The ’988 Patent relates to an information processing device such as “a gaming machine” that “utilizes an operating system (OS) which is generally used in a personal computer on sale.” ’988 Patent at 2:26-30. It describes techniques “in which a fault in hardware or software is inspected.” *Id.* at 1:15-16. Examples of faults are “damage, change or falsification occur[ring] in the programs or data . . . .” *Id.* at 1:21-22; *id.* at 4:4-7. The ’988 Patent contemplates storing a fault inspection program in a “first memory device on the mother board which is independent from the second memory device” so that “even if the fault occurs in the second memory device, it can be guaranteed that the fault inspection program properly operates.” *Id.* at 1:58-63.

### B. Prosecution History

The application resulting in the ’988 Patent was filed August 17, 2005 and claims priority to JP 2004-245337 filed on August 25, 2004. For purposes of this proceeding, Petitioner applies August 25, 2004 as the priority date (“Priority Date”) of the Challenged Claims.

The Examiner rejected claims 1-3 as unpatentable over US5860122 and US5971851. '988 *File History* (Ex. 1002) at 124-127. In response, Applicant argued that the prior art did not teach “a memory that includes both a Boot Program and a Fault Inspection Program” and added new Claims 4-6. *Id.* at 148-150.

The Examiner then rejected Claims 1-6 as unpatentable over US2005/0246586 and US6115036. *Id.* at 157-161. The Examiner explained that “it is well known in the art to use a computer as a business tool with software included which runs gaming applications as a secondary utilization,” and likewise well known in the art to include a memory device on a motherboard and to connect a second memory device (hard disk) to the motherboard. *Id.* at 158-159. Applicant added new Claim 7 and amended Claims 1 and 4 to include the phrase “and the application program stored therein.” *Id.* at 172-177.

The Examiner then rejected all pending claims as unpatentable over US5732268 (“Bizzarri”, Ex. 1050) in view of US6393559, US6115036, and US5864698. *Id.* at 184-191. Applicant added new dependent Claims 8-10 and amended the independent claims to require the control device “completes the execution of the fault inspection program before the game is started.” *Id.* at 201-204. Subsequently, Claims 1-10 were allowed.

*Sugiyama* (Ex. 1005), a Japanese publication, was cited on an IDS and submitted with only an English abstract and without an English-language translation

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