

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

§ The Honorable Rodney Gilstrap
§
§
§ Civil Action No. 2:19-cv-00310-JRG-RSP
§
§
§ JURY TRIAL DEMANDED
§
§
§

EXPERT REPORT OF STACY FRIEDMAN

2. FarmVille by Zynga Inc.

211. FarmVille (hereinafter “FarmVille”) is an agriculture-simulation browser-based social network game, that was developed and published by Zynga in 2009. The objective of the game is to cultivate a thriving farm, and to do so, users can plant and harvest crops and trees, as well as care for farm animals, such as milking cows and collecting eggs from chickens. Trees, crops and animals are obtained by, for example, buying them or receiving them as gifts. The user plays the game through a web browser, the game program being stored at maintained by an online game server.

212. The FarmVille game was available on the social network website Facebook as of 2009⁵⁴ and continues to be available on Facebook. The Farmville game was also available for download as a mobile app for the iPhone, iPod Touch, and iPad during a brief period in 2010. Farmville was not considered by the examiners at the Patent Office during prosecution of the ’708 or ’832 patents. Because the earliest possible priority date of the ’708 and ’832 patents patent is June 21, 2012, the Farmville game is prior art to these patents.

213. The FarmVille game was publicly available in the US at the time of the effective filing date of the ’708 or ’832 patents. For example, the authors of FarmVille for Dummies (referenced below) are based in the US.⁵⁵ I also personally observed my wife playing FarmVille in the United States in the 2010 timeframe, therefore I was personally aware that FarmVille was publicly available in the United States.

⁵⁴ See <https://web.archive.org/web/20090722110640/https://www.facebook.com/FarmVille/>.

⁵⁵ <https://www.linkedin.com/in/kyleorland/>; <https://www.linkedin.com/in/angela-s-morales-4a806b23/>; <http://fandomania.com/interview-angela-morales-aka-farmgoddess-of-farmville-freak/>.

214. Farmville is also described by numerous references, including game manuals, videos, and websites that were publicly available before June 21, 2012. I have reviewed these references and they are described below. It is my opinion that each of these references anticipate the claims, or alternatively each render the claims obvious, alone or in combination with the other references relating to FarmVille. It would have been obvious to combine these references as they all relate to the original FarmVille game prior to March 2011.⁵⁶⁵⁷

215. A book titled “FarmVille for Dummies” (hereinafter “FVD”) is an instructional guidebook describing in detail the features and general functionality of the social network game FarmVille. FarmVille for Dummies was published in 2011 by Wiley Publishing, Inc., roughly one year before the effective filing date of the ’708 and ’832 patents. Accordingly, the FarmVille for Dummies is prior art to the patents-in-suit.

216. A video titled “Farmers-Market | Market Stall” (hereinafter “FarmVille Video 1), available at https://www.youtube.com/watch?v=_ZBlcQrmong, depicts specific gameplay features of FarmVille at that time. The account that posted FarmVille Video 1 is “VecinosFarmville.” The VecinosFarmville account has four videos relating to FarmVille, all posted in 2010. As of October 6, 2020, FarmVille Video 1 has 1,668 views. A search for “Farmville Market Stall” in the youtube search engine pulls up the Farmville Video 1 as the 11th result. Farmville Video 1 was published on July 2, 2010 and is therefore prior art to the patents-in-suit.

⁵⁶ I understand that there are multiple “FarmVille” games. For example, in March 2011, a game called FarmVille English Countryside was released. <https://www.zynga.com/games/farmville/>. A sequel game called FarmVille 2 was released in September 2012.

⁵⁷ <https://www.zynga.com/games/farmville/>.

217. Another video titled “Farmville Mystery game” (hereinafter “FarmVille Video 2”), available at https://www.youtube.com/watch?v=cIUWH4cp_jA, depicts specific gameplay features of FarmVille at that time. The account that posted FarmVille Video 2 is “SuperXOneX.” The SuperXOneX account has six videos relating to FarmVille, all posted between 2010 and 2012. As of October 30, 2020, FarmVille Video 1 has 9,983 views. A search for “Farmville Mystery Game” in the YouTube search engine pulls up the Farmville Video 2 as the first result. Farmville Video 1 was published on August 15, 2010 and is therefore prior art to the patents-in-suit.

218. FVD describes that FarmVille is a social networking game comprised of network game servers, communications, and storage that provides a social game for users to play on their devices to cultivate a virtual farm and collect helpful virtual in-game items to advance the game. FVD at 29-32. More specifically, FarmVille is a game that “take[s] advantage . . . of social networking framework to encourage interaction with other players. Socializing with other players by visiting their farms, sharing gifts, and participating in cooperative jobs . . . This focus on social interaction puts FarmVille at the forefront of a new trend called social gaming.” *Id.* at 9.

219. FVD notes that “[i]n contrast to many computer games that you have to buy on a disc, anyone with an Internet connection and a Facebook account can load FarmVille in his or her Web browser and play for free in an instant. The ease of access is one of the reasons FarmVille has become so popular.” FVD at 7. The game may be installed as an app “on your Facebook account . . . and the game itself, [isn’t] actually stored permanently on your computer, but exist on ‘the cloud’ on FarmVille servers.” *Id.* at 11. In other words, FarmVille’s social gaming service is configured to synchronize a player’s game and inventory data with the latest version stored on the server. *Id.* at 11, 32. To “play FarmVille, you need to make sure that your browser has JavaScript enabled [which] 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.* at 16-17.

220. FVD describes that the basic concept of the FarmVille game is to “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.” FVD at 7. During the course of gameplay, players may be able to acquire and amass many different in-game items. *Id.* at 9. For example, the player earns in-game currency used to “purchase the seeds you need to grow crops or any of the other items that drive the FarmVille economy.” *Id.* at 76. Planted crops and trees can be harvested by the player to earn more in-game currency (Farm Coins). *See id.* Players may acquire items through an in-game FarmVille Market store, exchange items with other players through a Farmers Market, craft new items from crops and other resources, earn items as rewards (e.g., completing certain tasks, playing a Mystery Game, etc.), and/or the like. *See, e.g., id.* at 75-76, 113, 122-125, 169-170, 175-176.

221. FVD describes various interfaces in FarmVille where a player may view, select, and/or acquire various types of items. Many of these interfaces display a sheet of cells, where each cell is associated with a respective item, and may include a graphic corresponding to the item and/or additional information concerning the item. *See, e.g.,* FVD at 42, 93, 113-115, 120-121, 187-188. For example, FVD describes a “Farmers Market” within the game where the player can share and collect “bushels,” which are “a special type of item that you can use to improve your harvests, share with friends to collect bonuses, or collect to help craft goods.” *Id.* at 113. When the player finds “bushels through a harvest, you can also share copies of those bushel in your market stall.” *Id.* at 115. The player may also acquire bushels shared by their neighbors (e.g., Facebook friends of the player who are also players of FarmVille). *Id.* Figure 7-

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