

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ACTIVISION BLIZZARD, INC.

Petitioner

v.

MILESTONE ENTERTAINMENT, LLC

Patent Owner

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Case No. IPR2025-00709

U.S. Patent No. 10,650,635

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**DECLARATION OF JOHN SZEDER IN SUPPORT OF PATENT OWNER  
MILESTONE ENTERTAINMENT, LLC'S RESPONSE TO PETITION FOR  
*INTER PARTES* REVIEW OF U.S. PATENT NO. 10,650,635**

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I, John Szeder, hereby declare as follows:

**I. INTRODUCTION**

1. Counsel for Milestone Entertainment, LLC's ("Patent Owner") has retained me as an expert in this matter to provide my independent opinion in regard to the matters at issue in *inter partes* review of U.S. Patent No. 10,650,635 (the "635 Patent") in IPR2025-00709.

2. I submit my opinions in this declaration based on my study of the evidence; my education, training, research, knowledge, and personal and professional experience; and my understanding as an expert in the field.

3. This declaration contains statements of my opinion formed to date and the bases and reasons for those opinions. I may offer additional opinions based on further review of materials in this case, to rebut opinions offered by any of Petitioners' experts, and to address issues raised by Petitioners in their briefing to the extent permitted by the Patent and Trademark Appeal Board.

**A. Education and Professional Experience**

4. My qualifications and credentials are fully set forth in my *curriculum vitae*, attached as Attachment 1.

5. I have more than 30 years of experience in the computer software industry, and nearly 25 years of experience in computer game design and development. I highlight here some of my relevant experience. From 2001-2003, I

was the founder and general manager Seismic Studios, Inc., in San Francisco, California, where I developed dozens of games in C++ and Java. From 2003-2004, I was Director of Development, for Digital Chocolate, Inc., in San Mateo, California. While there, I oversaw the development and shipment of Bubble Ducky, a best-selling launch title, which was the second-most downloaded casual game on Verizon during its launch. I also was credited as a scenario designer for Oasis, winner of the Seamus McNally Indie Game of the Year. From 2005-2008, I was General Manager and CoFounder, of Mofactor, Inc., a gaming company in Davis, California. While there, I helped bring to market multiple top selling games in the early mobile market.

6. From 2010-2011, I was Director of Developer Relations at hi5 Networks, Inc., a San Francisco, California gaming company. While there, I designed and developed features to enhance game play and social relationships between game players, while we published 5-7 games each week, and supported more than 250 developer partners on the platform. From 2013 – 2014, I was Vice President of Product Development at PLAYSTUDIOS in Burlingame, California. There I managed a team of 50 people through a mobile game product launch. For 2014-2016, I provided consulting services to numerous companies, including Blizzard Entertainment, The Clorox Corporation and many startups. From 2018-2020 I was an architect, and then Director of Engineering for Zynga, a well-known gaming company, where I worked on social and casual games, as well as Zynga

Poker. In 2022, I worked as an experimentation technical manager for the AAA game Multiversus for WB Games, ensuring they had sophisticated tools for doing cross promotion and price optimization within their franchise, and other WB Games portfolio titles.



7. Here, I highlight various electronic games I have designed, developed, and/or published. Duckshot was an original title I designed, developed, and copublished, which was nominated for the AIAS game of the year in 2007. See [https://www.interactive.org/games/video\\_game\\_details.asp?idAward=2007&idGame=903](https://www.interactive.org/games/video_game_details.asp?idAward=2007&idGame=903).

# DUCKSHOT

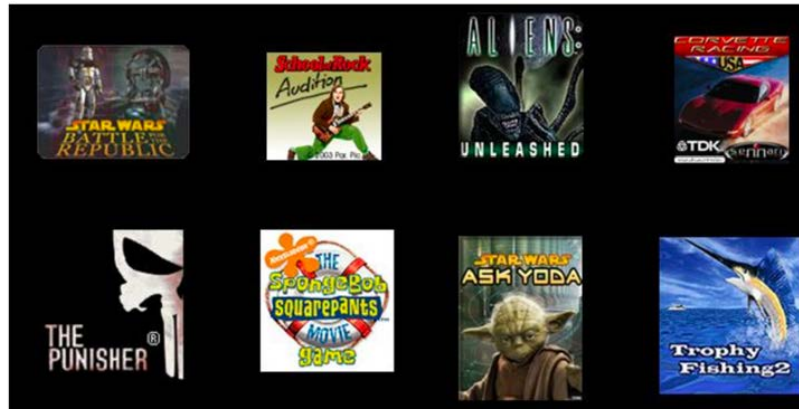
Mobile



At the same time that Duckshot was #1 in the sports category on Verizon, we also published Paintball Challenge with Superscape 3D. I also worked on multiple mobile titles during this era for movies, celebrities, and brands, including School of Rock Audition for mobile, Babe Ruth Bashball, and Aliens: Unleashed. I ported more than 30 titles on for other publishers across many brands, including Corvette Racing, Suzuki Motocross, Fast And The Furious Mobile Game, and Steven Seagal's Fudyomo.

# Mobile Title History

Brands



# Mobile Title History

Original IP



8. Based on my above-described years of experience in the field of computer games, I believe that I am considered to be an expert in the field of computer gaming.

**B. Compensation**

9. I am being compensated for my time in connection with this case at my standard legal consulting rate, which is \$300 per hour. I have no personal or financial interest in the outcome of this proceeding.

**C. Materials Reviewed and Relied Upon**

10. In formulating my opinions, I have considered: U.S. Patent Nos. 10,650,635 and its file history; Patent Owner's Response filed concurrently herewith including all documents cited therein; all documents cited in this declaration; the Petition in IPR2024-00709 (Paper 3) and all Exhibits thereto including the Expert Declaration of Mr. Dwight Crevelt (Ex1003); the Patent Owner's Preliminary Response (Paper 10) and all Exhibits thereto; the Institution Decision (Paper 13), and the deposition of Mr. Dwight Crevelt taken on December 21, 2025 in connection with this IPR. If Petitioners' expert submits an additional declaration, I may submit a supplemental declaration addressing any new opinions or additional explanations, as appropriate and if permitted.

**D. Legal Principles**

11. I am not a lawyer. I have been provided with an understanding of the legal principles that govern claim construction and patent validity. I have conducted my analysis in conformance with these principles. I set forth those understandings below.

## 1. Claim Construction

12. I understand that in assessing the patentability of a claim, the Patent Office generally construes claim terms in accordance with their ordinary and customary meaning as understood by a person of skill in the art (“POSITA”) at the time of the invention in view of the claim language in light of the specification and file history.

13. I understand that various sources are available that may help show what a claim term should mean. These sources include the text of the claims themselves, the patent’s specification, the prosecution history of the patent, and the prior art cited in a patent or in the prosecution history. Together, I understand that these sources are called “intrinsic” evidence. I also understand that other sources, for example concerning relevant scientific principles, dictionaries or technical dictionaries, and other information concerning the state of the art is called “extrinsic” evidence. I understand that extrinsic evidence may not be used to contradict the claim language.

14. I understand that claim terms should generally be given their ordinary meaning, which is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention

15. I understand that the context in which a claim term is used can be highly instructive. Other claims of the patent in question, both asserted and not asserted, can also be valuable sources as to the meaning of a claim term. Because claim terms

are normally used consistently throughout the patent, the usage of a term in one claim can often illuminate the meaning of the same term in other claims. Differences among claims can also be a useful guide in understanding the meaning of particular claim terms.

16. I understand that a person of ordinary skill in the art is deemed to read a claim term not only in the context of the particular claim in which the disputed term appears, but also in the context of the entire patent, including the specification. The specification is the primary basis for construing the claims and is considered the single best guide to the meaning of a disputed term. For this reason, the words of the claim must be interpreted in view of the specification. The interpretation of a term can only be determined and confirmed with a full understanding of what the inventors actually invented and intended to cover within the claim.

17. A claim term should not be interpreted to exclude embodiments disclosed in the specification absent probative evidence on the contrary. I further understand that, in general, the claimed invention is not limited to a preferred embodiment, even if the specification does not describe any other embodiment.

18. In addition to consulting the specification, one should also consider the patent's prosecution history, if it is available. The prosecution history consists of the complete record of the proceedings before the Patent Office and includes cited prior art. The prosecution history can inform the meaning of the claim language by

demonstrating how the inventor understood the invention. I understand that the prior art cited in a patent, or the prosecution history of the patent also constitutes intrinsic evidence.

## **2. Pre-America Invents Act**

19. I understand Petitioners seek cancellation of Claims 1-2, 4, 6, 8-10, 14-18, 21-23, 25, 27 and 29 (“the challenged claims”) of the 635 Patent under pre-AIA 35 U.S.C. § 103.

20. I understand that the pre-AIA patent statute applies to the 635 Patent because it has an effective filing date before March 16, 2013 (September 1, 2004).

21. I understand effective filing date to mean either: (1) the actual date on which the patent application containing the claimed invention was filed; or (2) the filing date of an earlier patent application (*e.g.*, provisional and non-provisional applications, domestic and foreign) upon which patent application containing the claimed invention relies for priority.

22. I understand the date of the claimed invention to be either: (1) the effective filing date of the patent; or (2) when the claimed invention was conceived or reduced to practice.

## **3. Presumption of Validity and Burden of Proof**

23. I have been informed that an issued patent is presumed valid, and a party seeking to challenge the validity of a claim of an issued patent must submit

proof that each claim is invalid. I understand that in this IPR, Activision bears the burden of proving unpatentability by a preponderance of the evidence.

#### **4. Invalidity: Anticipation**

24. I understand and have been informed that in order for an inventor to be entitled to a patent, the invention must be “new” and the inventor must not have lost his or her right to a patent by delaying filing of a patent application directed to the invention. There are a number of ways that an invention can be “anticipated”—that is, not new.

25. One such way is when the invention was already patented or described in a printed publication, anywhere in the world before the date of invention by the inventor. Additionally, a patented invention may not be new if it was described in an application for a patent filed in the United States that later issued as a patent, so long as the earlier application pre-dates the date of invention. If the subject matter covered by a patent claim is found within the “four corners” of a prior art reference, the claim is said to be anticipated by that reference.

26. A patent claim can be said to be anticipated if each and every limitation of the patent claim is found either expressly or inherently in a single prior art reference. While a prior art reference need not use the same words as a patent claim to anticipate the claim, the prior art reference must describe the requirements of the claim with sufficient clarity such that a person of ordinary skill in the art would have

been able to make and use the claimed invention based on the reference and their knowledge in the applicable technical field without undue experimentation. To constitute anticipation, the prior art reference must describe the claimed invention in sufficient detail to place it in the possession of a person of ordinary skill in the field of the invention.

27. The disclosure of a feature of a claimed invention can be either “express” or “inherent.” A feature is expressly disclosed if the text, figures, or other content of a reference actually disclose the aspects of the patent claim. I have been informed and understand that in order to establish that an element of a claim is “inherent” in the disclosure of a prior art reference, it must be clear to a POSITA that the element (although not expressly disclosed) is an inevitable part of what is explicitly described in the reference, and that it would have been recognized as necessarily present by a person skilled in the art. Inherency cannot be established by probabilities or possibilities, and the mere fact that something may result from some teaching found in the prior art is not enough to establish inherency. Unless all the elements are found in a single piece of prior art in exactly the same situation and united the same way to perform the identical function, there is no anticipation.

28. I have been informed that a claim is invalid under 35 U.S.C. § 102(a) only if an invention reflected in a patent claim was known or used by others in

the United States, or patented or described in a printed publication in the United States or a foreign country, before the invention date of that patent claim.

29. I have been informed that a claim is invalid under 35 U.S.C. § 102(b) only if an invention reflected in a patent claim was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year before the earliest priority date for that patent claim.

30. I have been informed that a claim is invalid under 35 U.S.C. § 102(e) only if an invention reflected in a patent claim was disclosed in another patent that was granted from a United States patent application filed before the invention date of the patent claim at issue.

31. I have been informed that a claim is invalid under 35 U.S.C. § 102(g) only if an invention reflected in a patent claim was invented before the invention date of the patent claim at issue by another inventor in the United States and not abandoned, suppressed, or concealed by that earlier inventor.

32. I understand that to qualify as a “printed publication,” a reference must have been sufficiently accessible to the public interested in the art and that a reference is sufficiently accessible if it was disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence can locate it.

## 5. Invalidity: Obviousness

33. I have been informed that if a single reference does not contain every limitation of a patent claim, it can only invalidate that claim if it would be obvious when considered in light of other prior art references or devices without viewing the combination with hindsight bias. The claim is invalid only if the differences between the claimed invention and the prior art are such that the claimed invention, as a whole, would have been obvious to a person having ordinary skill in the art at the time the invention was made (without the benefit of hindsight bias).

34. I have been informed that the prior art references can be combined to show a patent is invalid as obvious under 35 U.S.C. § 103.

35. I understand that an obviousness evaluation can be made on a single reference or a combination of several prior art references. For example, a single reference, when considered in view of the knowledge of a person of ordinary skill in the art, could render a claim obvious.

36. I have been informed that the analysis of obviousness involves several factual inquiries including (1) level of ordinary skill in the pertinent art; (2) the scope and content of the prior art; (3) the differences between the prior art as a whole and the claim at issue; and (4) objective indicia of non-obviousness (also known as secondary considerations of non-obviousness). I understand that the patentee has the burden of production on any objective indicia of non-obviousness.

37. I have been informed that the test for analogous art is very specific. I have been informed that art is non-analogous unless it is: (1) from the same field of endeavor as the claimed invention; or (2) reasonably pertinent to the particular problem faced by the inventor. I have been informed that an art citation that is not from the same field of endeavor as a claimed invention must be “reasonably pertinent” to the problem addressed by the inventor. I have been informed that art is “reasonably pertinent” when it would “logically commend itself” to an inventor’s attention in considering his problem. Conversely, I have been informed that when art is directed to a different purpose than a claimed invention, an inventor would have less motivation or occasion to consider it.

38. I have been informed that the fact that prior art references all concern the same field of endeavor is not in itself sufficient rationale for making the combination. Many types of techniques and systems exist in the same field of endeavor. That fact alone would not make it obvious to combine their features. I have been informed that a proper obviousness determination must show reason why a person of ordinary skill in the art would have thought to combine particular available elements of knowledge, as evidenced by the prior art, to reach the claimed invention.

39. I have been informed that a party seeking to invalidate a patent on obviousness grounds must demonstrate that a skilled artisan would have been

motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.

40. I understand for a claim to be obvious where not every element of a claim is taught by the prior art, a party trying to show obviousness must show why it would have been obvious to a person of ordinary skill in the art to both combine the prior art references and overcome the differences and make modifications between the claimed invention and the prior art. I also understand that the existence of every element of the claimed invention in the prior art does not necessarily mean a skilled artisan would have been motivated to combine those references. I also understand that a skilled artisan must have had a reason to combine the elements in the same way as the claimed invention. Conclusory statements that a skilled artisan would have been motivated to combine the prior art or would have thought it obvious to modify the prior art are insufficient to show obviousness.

41. I have been informed that, when assessing if there was motivation to combine the prior art references, important factors include (1) whether the claimed invention was merely the predictable result of using prior art elements according to their known functions; (2) whether the claimed invention provides an obvious solution to a known problem in the relevant field; (3) whether the prior art teaches or suggests the desirability of combining elements in the invention; (4) whether the

prior art teaches away from combining elements in the claimed inventions; and (5) whether it would have been obvious to try the combinations of elements, such as when there is a design incentive or market pressure to solve a problem and there are a finite number of identified, predictable solutions.

42. I have been informed that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

43. I understand that Petitioners, as the challengers asserting obviousness based on a combination of prior-art references, must demonstrate that a POSITA would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of successfully achieving the claimed invention from the combination.

44. I understand that a showing that a prior art reference teaches away from a given combination is evidence that one of skill in the art would not have been motivated to make that combination to arrive at the claimed invention. A reference may be said to teach away when a POSITA, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. If the proposed invention would defeat the purpose of a reference, for example, that reference

teaches away from the invention. To teach away, the reference must criticize, discredit, or otherwise discourage the solution reached by the proposed invention. I also understand that the absence of a formal teaching away in one reference does not automatically establish a motivation to combine it with another reference in the same field.

45. I have been informed that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.

46. I have been informed that to determine whether a combination of known elements would have been obvious to a person of ordinary skill in the art at the time of the invention, one must consider the references in their entirety to ascertain whether the disclosures in those references render the combination obvious to such a person.

47. I have been informed that the combination of familiar elements according to known methods may be obvious when it does no more than yield predictable results. Additionally, I understand that a patent may be invalid for obviousness if a POSITA can implement a predictable variation or if there existed at the time of the invention a known problem for which there was an obvious solution encompassed by the patent's claims. I understand that the obvious solution only

needs to be a known solution for solving the problem, and not an improvement over other solutions. A combination is not obvious, however, where the combination cannot be implemented without undue experimentation or when the motivation to create the combination comes from hindsight.

48. I have been informed that when there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a POSITA has good reason to pursue the known options within his or her technical grasp. I understand that, if this leads to anticipated success, it may be the product not of innovation, but rather of ordinary skill and common sense. I have been informed that the fact that a combination was obvious to try might show that the patent claim was obvious.

49. I have been informed that, even when all claim limitations can be found in a combination of prior art references, the fact-finder must consider as part of the obviousness determination not only what the prior art teaches, but whether the prior art teaches away from the claimed invention and whether there is a motivation to combine teachings from separate references in the manner claimed.

**E. Level of Ordinary Skill in the Art**

50. I have been asked to offer my opinion regarding the level of ordinary skill in the art at the time of the invention or the effective filing date, which I understand to be September 2004 for the 635 Patent. I have considered the types of

problems encountered in the art, the prior solutions to those problems found in prior art references, the rapidity with which innovations are made, the sophistication of the technology, the level of education of active workers in the field and my own experience working with those of skill in the art at the time of inventions.

51. I understand that Petitioner contends that a person of ordinary skill in the art (“POSITA”) in 2004 “would have had at least a bachelor’s degree in computer science or computer engineering, with at least three years of experience in game development.” Pet. at 12. For the purposes of this response, I do not dispute Petitioner’s proposed level of skill. It is my opinion that under any level of skill a POSITA would not understand the asserted Grounds to raise any unpatentability issue. Accordingly, I have applied Petitioner’s proposed level of skill in evaluating the prior art and the challenged claims.

52. I would qualify as a POSITA as of the priority date of the 635 Patent and have applied the understanding of such a POSITA in forming my opinions.

## **II. BACKGROUND**

### **A. The 635 Patent**

53. The 635 Patent claims recite and claim systems for providing variable virtual currencies in electronic gaming. The specification explains that an important advantage of virtual currencies over real currencies is that their acquisition may be subject to a “multiplier,” which raises or lowers the cash equivalent value of the

virtual currency. For example, at one time or under one set of game play conditions, \$1.00 in real currency may be used to obtain 500 units of virtual currency, but at other times, the same dollar may obtain 1000 units of virtual currency. 635 Patent (Ex1001) at 45:60-64.

54. The specification explains that the advantage of this virtual currency is not simply that it is virtual, it is that its real cash value can be programmatically varied (the claimed “multiplier”) to maintain player interest in continuing game play, or some other set of mandated objectives. As the specification explains, the multiplier amount “may vary based on factors, such as time, game or player status. For example, play during certain times may result in ‘double vCoins’.” *Id.* at 45:65-46:1. The system may also implement an “[e]nhanced multiplier” to encourage game play “at times when other entertainment is available . . . as an inducement for the player to play the subject games,” or increase the multiplier “where the real or perceived level of skill required is greater.” *Id.* at 46:1-6. The claims of the 635 Patent recite this multiplier directly, and dependent claims recite the specific circumstances under which the multiplier will apply. For example, Claim 9 of the 635 Patent recites that the “multiplier is variable over time,” for example, to increase it during time periods where game play is expected to decline.

55. The specification describes that this variable currency provides numerous benefits. First, it “provide[s] the player with the perception of a big win

since the numbers are larger than any corresponding monetary amount.” Ex1001 at 46:41-47. In addition, “by being virtual and corresponding to electronic amounts, they may be altered or varied as desired” in order to achieve specific game play outcomes, like increasing the frequency or length of play, which “leads to vastly expanded possibilities” for computer-based game play. *Id.*

## **B. Overview Of The References**

### **1. Schneier143 (Ex1008)**

56. Schneier143 describes a system for purchasing and utilizing game credits in an electronic gaming system. Ex1008 at 63:13-19. For example, Schneier143 discloses “[i]n an arcade-type embodiment, the player purchases ‘credits’ to enable game play. This enables players to call the central computer 12 and obtain codes for a specified number of game plays, as in an arcade environment.” Ex1008 at 62:50-53. I see no disclosure in Schneier143 of virtual *currencies*; it concerns game credits, not a medium of exchange, and never discloses that its credits can be used as such.

### **2. Okita (Ex1009)**

57. Okita describes a system which provides for virtual currencies in an electronic gaming environment. I see no disclosure in Okita that purchase of Okita’s virtual currency can be subject to a multiplier, or that its virtual money can be converted “into a non-cash good comprising an image to permit advancement to another level within the game” as recited in independent Claim 1 of the 635 Patent.

### III. PETITION GROUNDS

#### A. Grounds 1 and 2: Schneier143

58. I understand that under Ground 1, Petitioners contend that Claims 1-2, 4, 6, 8-10, 14-18, 21-23, 25, 27 and 29 of the 635 Patent are obvious under 35 U.S.C. § 103 over Schneier143, alone or in view of the knowledge of a person of ordinary skill in the art. Under Ground 2, I understand that Petitioners contend that the same claims are obvious over Schneier143 in view of Okita. For at least the reasons stated below, I disagree with Petitioner’s contention as to dependent Claim 9. I have not been asked to consider, and take no position, regarding any other claims of the 635 Patent. In my opinion, Petitioner has failed to demonstrate that Claim 9 is unpatentable under Grounds 1 and 2.

#### 1. Claim 9 – the “system for effecting user experience in a multi-level electronic game environment of claim 1 wherein the multiplier is variable over time”

59. In my opinion, Petitioner has not demonstrated any disclosure in Schneier143 (Ground 1), or Schneier143 in view of Okita (Ground 2), of Claim 9 of the 635 Patent’s “system for effecting user experience in a multi-level electronic game environment of claim 1 wherein the multiplier is variable over time.” Claim 9 depends from Claim 1, and narrows limitation 1[b.iii]’s “the virtual money acquired by cash purchase being subject to a multiplier” by specifying that the amount by which the virtual money acquired by cash purchase is multiplied varies over some period of time. For example, as the 635 Patent explains, the system may implement

an “[e]nhanced multiplier” to encourage game play “at times when other entertainment is available . . . as an inducement for the player to play the subject games,” Ex1001 at 46:1-6.

60. For Grounds 1 and 2, Petitioner asserts that Claim 9 is disclosed based on various passages in Schneier143. Pet. at 31-32. For the reasons set out below, I disagree that these passages disclose the claim. First, Petitioner contends that Schneier143 discloses that “[t]he number of credits that a player receives *per dollar* may also be *variable*.” Pet. at 31 (citing Ex1008, 63:31-34). In my opinion, however, the quoted material from Schneier143 does not disclose that a multiplier for cash purchases may be variable *over time*, as the claim requires. A POSITA would understand that the immediately following sentence of Schneier143 makes this clear, explaining that, for example, a “purchase of ten credits may cost \$0.50 each while a purchase of twenty credits may cost \$0.30 each.” *Id.* A POSITA would understand that this discloses only that the multiplier is different, at one point in time, depending on the number of credits purchased. Petitioners point to no disclosure in Schneier143 that the multiplier in this pricing may vary over time, and I am aware of none.

61. Petitioner next contends that Schneier143’s discussion of an “Updating Cost Information protocol” which can “*alter or change the pricing structure for particular games*” discloses this limitation. Pet. at 31-32. I disagree that this contention discloses or renders obvious Claim 9. A POSITA would understand the

disclosure relied upon by Petitioners concerns how Schneier143's system can obtain updated cost information from a central computer. Ex1008 at 56:1-10. In my opinion, this does not disclose that "virtual money acquired by cash purchase being subject to a multiplier" where that "multiplier is variable over time" in the 635 Patent Claim. Instead, a POSITA would understand that it discloses only a protocol for updating cost information, not that it is or can be used to vary the value of virtual currencies across different time periods. I also understand that Petitioner's expert could not explain in deposition how this discussion in Schneier143 disclosed that a multiplier for virtual currency purchased with cash is variable over time. Ex2004 (12/19/25 Crevelt Dep. Tr.) at 157:20-182:6.

62. Petitioner also contends that this claim is disclosed by Schneier143's disclosure that "each credit may entitle the player to play for a certain period of time. . . . [O]ne credit may buy five minutes of play while two credits may buy twelve minutes of play." Pet. at 32 (quoting Ex1008 at 63:42-45). I disagree that this discloses that a multiplier for cash purchases may be variable *over time*, as the claim requires. First, this disclosure appears to have nothing to do with "virtual money acquired by cash purchase being subject to a multiplier," as required by the claim. It provides no indication, for instance, that the amount of credits that may be purchased with cash ever varies. Instead, it discusses that the value of in-game *credits*, whatever their cash price, may vary. Nor do I agree that this passage discloses that a multiplier

is variable *over time*. Instead, a POSITA would understand it discloses only that, at *one* moment in time, one credit may purchase a certain amount of time, and two credits may purchase a different amount of time. I see no disclosure in Schneier143 that the multiplier for this pricing may vary over time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge based on the information available to me at this time, and that this declaration was executed on January 12, 2026, in Folsom, CA.



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John Szeder

# Attachment 1

# John Szeder

2184 Red Setter Road, Rocklin, CA, 95765  
(650) 346-6329  
[johnszeder@gmail.com](mailto:johnszeder@gmail.com)

## EXECUTIVE SUMMARY

- Strong mentor, confident communicator, highly motivated worker and rapid learner
- Extensive experience with a wide variety of technologies
- Dynamic team building skills from two decades of company and product launches

## WORK EXPERIENCE

- 2017 - Current **Director of Engineering**, Zynga, San Francisco, California
- Grew remote studios (Toronto, Austin) with strong hires and reliable leaders
  - Established studio leadership training, mentoring relationships and leadership best practices
  - Presented Poker structured hiring practices to 80 cross discipline managers
  - Filled studio head count quickly with organic hires and strong referrals
  - Managed GDPR efforts for Zynga Poker
- 2016 – 2017 **VP of Customer Success**, Scientific Revenue, San Mateo, California
- Responsible for overseeing customer integrations team
  - Maintained django-based ecosystem tools including mobile app store integrations
  - Worked with business development to onboard partners, and get content live
  - Supervised SDK rebuild, with a massive size and method count reduction
- 2014 – 2016 **Principal Consultant**, Self Employed, Davis, California
- Consulted for Samsung, Blizzard Entertainment, The Clorox Corporation and many startups
  - Managed multiple client/server IC projects concurrently on different platforms
  - Established tools pipeline, team hiring practices, and strategic engineering direction as needed
- 2013 – 2014 **Vice President of Product Development**, PLAYSTUDIOS, Burlingame, California
- Created a sustainable high-volume recruiting pipeline, filling high priority engineering head count.
  - Managed team through mobile product launch (50 people, 17 directly)
  - Implemented better processes and release plans for the team to sync mobile and web releases
  - Established career development plans for key contributors, dramatically reducing churn
- 2011 – 2012 **Vice President of Engineering**, magi.com (formerly hi5 Networks, Inc.), Emeryville, California
- Managed new product team through reboot after sale of live site assets
  - Launched "next gen" social game platform with live partners in four months, included ads, third party auth, payments, and prizing systems
  - Transitioned live site assets as part of sale to Tagged.com of hi5.com site
- 2010 – 2011 **Director of Developer Relations**, hi5 Networks, Inc. San Francisco, California
- Designed features to enhance game play and social relationships between game players
  - Closed critical accounts with large social game publishers to validate the hi5 platform
  - Published 5-7 games each week, communicating go live dates to marketing, partners, and CS
  - Supported pipeline of over 250 developer partners from cold call to close during aggressive launch
- 2008 – 2010 **Director of New Media**, FaceCake Marketing Technology, Inc. Calabasas, California

- Application development, Firmware integration, Patent work
- 2005 – 2008 **General Manager and CoFounder**, Mofactor, Inc. Davis, California
- Bootstrapped game studio to profitability with multiple top selling games in early mobile
- 2003 – 2004 **Director of Development**, Digital Chocolate, Inc. San Mateo, California
- Employee #3, Educated early staff on how to make mobile, shipped a best-selling launch title
- 2001 – 2003 **General Manager and Founder**, Seismic Studios, Inc. San Francisco, California
- Developed dozens of C++/J2ME games, and tools and frameworks
- 1999 – 2000 **Senior Systems Engineer**, HearMe, Inc. Mountain View, California
- Supported presales team to evangelize and close global partners above quota
- 1997 – 1999 **Senior Software Developer**, AirLink Communications, Inc. San Jose, California
- Developed client/server application in C++ that collects real time vehicle tracking information
- 1996 – 1997 **Software Developer**, Research In Motion, Waterloo, Ontario, Canada
- Designed multi-tasking IP protocol analyzer for a wireless data network to speed development

## EDUCATION

1991 - **Honors Bachelor of Mathematics, Co-op Computer Science**, University of Waterloo,  
 1996 Waterloo, Ontario, Canada