

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC, a Delaware)
Limited Liability Corporation,)

Plaintiff,)

v.)

ACTIVISION BLIZZARD, INC.,)
a Delaware Corporation,)

Defendant.)

C.A. No. 15-228-RGA

DEMAND FOR JURY TRIAL

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

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Plaintiff Acceleration Bay LLC (“Acceleration Bay”) files this Amended Complaint for Patent Infringement and Jury Demand against Defendant Activision Blizzard, Inc. (“Defendant” or “Activision Blizzard”) and alleges as follows:

THE PARTIES

1. Acceleration Bay is a Delaware limited liability corporation, with its principal place of business at 370 Bridge Parkway, Redwood City, California 94065.
2. Acceleration Bay is an incubator for next generation businesses, in particular companies that focus on delivering information and content in real-time. Acceleration Bay invests in and supports companies that further the dissemination of technological advancements.
3. Acceleration Bay also collaborates with inventors and research institutions to analyze and identify important technological problems, generate new solutions to these problems, and bring those solutions to market through its partnerships with existing companies and startups.
4. On information and belief, Activision Blizzard is a Delaware corporation with its principal place of business at 3100 Ocean Park Boulevard, Santa Monica, California 90405.
5. Acceleration Bay is informed and believes that Activision Blizzard makes, uses, sells, offers for sale, and/or imports into the United States and this District products and services that utilize multiplayer or multisystem network technology as claimed in the Acceleration Bay Patents (defined below), including but not limited to, World of Warcraft (“WoW”) (including, but not limited to WoW Chat, Chat Channels, WoW Client Downloader, Raid Finder/Looking For A Raid, Cross Realm Zones, Cross Realm Raids, Battle Grounds, Looking for Adventure, and Recruiting for Danger functionalities within WoW), Destiny (including, but not limited to

multiplayer modes Crucible and Strike), and Call of Duty: Advanced Warfare (including, but not limited to multiplayer modes Team Deathmatch, Domination, Search and Destroy, Search and Rescue, Hardpoint, Capture the Flag, Kill Confirmed, Free for All, Infected, Uplink, and Momentum).

JURISDICTION AND VENUE

6. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

8. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant does business in this District and has, and continues to, infringe and/or induce the infringement in this District. On information and belief, Defendant is incorporated in the State of Delaware. In addition, the Court has personal jurisdiction over Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

THE PATENTS-IN-SUIT

9. This case involves six patents owned by Acceleration Bay: U.S. Patent No. 6,701,344; U.S. Patent No. 6,714,966; U.S. Patent No. 6,732,147; U.S. Patent No. 6,829,634; U.S. Patent No. 6,910,069; and U.S. Patent No. 6,920,497 (collectively referred to as the “Acceleration Bay Patents”).

10. On March 2, 2004, U.S. Patent No. 6,701,344 (“the ‘344 Patent”), entitled DISTRIBUTED GAME ENVIRONMENT, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘344 Patent is attached to this Complaint as Exhibit 1 and is

incorporated by reference herein.

11. All rights, title, and interest in the '344 Patent have been assigned to Acceleration Bay, which is the sole owner of the '344 Patent.

12. The '344 Patent is generally directed towards systems for an effective broadcast technique in a game environment using a regular network. By implementing such a broadcast technique, the system is able to provide a broadcast channel using an underlying network system that sends messages on a point to point basis, providing efficiency and reliability to a gaming environment.

13. On March 30, 2004, U.S. Patent No. 6,714,966 ("the '966 Patent"), entitled INFORMATION DELIVERY SERVICE, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '966 Patent is attached to this Complaint as Exhibit 2 and is incorporated by reference herein.

14. All rights, title, and interest in the '966 Patent have been assigned to Acceleration Bay, who is the sole owner of the '966 Patent.

15. The '966 Patent is generally directed towards systems for providing an information delivery service using a regular network. One of the ways this is accomplished is by sending data through neighbor participants.

16. On May 4, 2004, U.S. Patent No. 6,732,147 ("the '147 Patent"), entitled LEAVING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '147 Patent is attached to this Complaint as Exhibit 3 and is incorporated by reference herein.

17. All rights, title, and interest in the '147 Patent have been assigned to Acceleration Bay, who is the sole owner of the '147 Patent.

18. The '147 Patent is generally directed towards methods and systems for leaving a broadcast channel. One of the ways this is accomplished is by sending messages to a second computer, so that the second computer can connect to a third computer to maintain a regular network.

19. On December 7, 2004, U.S. Patent No. 6,829,634 ("the '634 Patent"), entitled BROADCASTING NETWORK, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '634 Patent is attached to this Complaint as Exhibit 4 and is incorporated by reference herein.

20. All rights, title, and interest in the '634 Patent have been assigned to Acceleration Bay, who is the sole owner of the '634 Patent.

21. The '634 Patent is generally directed towards systems for broadcasting data across a regular network. One of the ways this is accomplished is by sending data received from neighbor participants to other neighbor participants. This creates reliability in the regular network.

22. On June 21, 2005, U.S. Patent No. 6,910,069 ("the '069 Patent"), entitled JOINING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the '069 Patent is attached to this Complaint as Exhibit 5 and is incorporated by reference herein.

23. All rights, title, and interest in the '069 Patent have been assigned to Acceleration Bay, who is the sole owner of the '069 Patent.

24. The '069 Patent is generally directed towards methods for adding a participant to a network without placing a high overhead on the underlying network. One of the ways this is accomplished is by identifying a pair of participants that are connected to the network,

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