

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------------|---|-----------------------|
| ACCELERATION BAY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-453 (RGA) |
| |) | |
| ACTIVISION BLIZZARD, INC., |) | PUBLIC VERSION |
| |) | |
| Defendant. |) | |
| <hr/> | | |
| ACCELERATION BAY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-454 (RGA) |
| |) | |
| ELECTRONIC ARTS INC., |) | |
| |) | |
| Defendant. |) | |
| <hr/> | | |
| ACCELERATION BAY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-455 (RGA) |
| |) | |
| TAKE-TWO INTERACTIVE SOFTWARE, |) | |
| INC., ROCKSTAR GAMES, INC., and 2K |) | |
| SPORTS, INC., |) | |
| |) | |
| Defendants. |) | |

PARTIES' JOINT CLAIM CONSTRUCTION CHART

[VOLUME 1 OF 8]

[Exhibit 1 – Exhibit A 1-6]

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PARTIES’ JOINT CLAIM CONSTRUCTION CHART

Pursuant to § 6(e) of the Court’s February 27, 2017 Scheduling Order, Plaintiff Acceleration Bay and Defendants Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively “Defendants”) submit their Joint Claim Construction Chart, attached as Exhibit 1, identifying for the Court the terms and phrases of the claims in issue and each party’s proposed construction of the disputed

claim language with citations to the intrinsic evidence in support of their respective proposed constructions.¹

The Asserted Patents are attached as Exhibits A-1 – A-6: U.S. Patent Nos. 6,701,344 (the “344 Patent), 6,714,966 (the “966 Patent”), 6,732,147 (the “147 Patent”), 6,829,634 (the “634 Patent”), 6,910,069 (the “069 Patent”) and 6,920,497 (the “497 Patent”).²

Additional portions of the intrinsic record cited by the parties are identified in the following summary table:

| Ex. | Evidence |
|-------------------------|-------------------------|
| Asserted Patents | |
| A-1 | U.S. Pat. No. 6,701,344 |
| A-2 | U.S. Pat. No. 6,714,966 |
| A-3 | U.S. Pat. No. 6,732,147 |
| A-4 | U.S. Pat. No. 6,829,634 |
| A-5 | U.S. Pat. No. 6,910,069 |
| A-6 | U.S. Pat. No. 6,920,497 |

¹ Defendants’ Statement: On April 5, 2017, Plaintiff dropped various claims and attempted to add various claims. On April 13, 2017, Judge Andrews held that “[a]bsent good cause, Plaintiff cannot substitute different claims for the ones currently asserted . . .” Therefore, it appears that certain terms do not have to be construed against certain claims anymore, and at least one term can be dropped in its entirety. Defendants will review the list and offer a revision after it has conferred with Plaintiff. Additionally, various *Inter Partes* Review petitions are currently pending before the Patent Trial and Appeal Board. The following listing of claims is not an admission that any particular claim is valid. Furthermore, Defendants reserve the right to modify this list of claims consistent with current and future rulings at the Patent and Trademark Office.

² The Asserted Patents state that they are “related.” Many of the Asserted Patents have the same or similar disclosures, and each party’s citation to a disclosure in one patent shall be understood to encompass the same or similar disclosures in the other Asserted Patents.

| Ex. | Evidence |
|---|--|
| File Histories of the Asserted Patents | |
| B-1 | File History of U.S. Pat. No. 6,701,344 |
| B-2 | File History of U.S. Pat. No. 6,714,966 |
| B-3 | File History of U.S. Pat. No. 6,732,147 |
| B-4 | File History of U.S. Pat. No. 6,829,634 |
| B-5 | File History of U.S. Pat. No. 6,910,069 |
| B-6 | File History of U.S. Pat. No. 6,920,497 |
| <i>Inter Partes</i> Review Decisions | |
| C-1 | '344 Patent, IPR2015-01972, Final Written Decision |
| C-2 | '966 Patent, IPR2015-01953, Final Written Decision |
| C-3 | '634 Patent, IPR2015-01996, Final Written Decision |
| C-4 | '344 Patent, IPR2015-01972, Institution Decision |
| C-5 | '966 Patent, IPR2015-01953, Institution Decision |
| C-6 | '634 Patent, IPR2015-01996, Institution Decision |
| C-7 | '634 Patent, IPR2016-00727, Institution Denial |
| C-8 | '069 Patent, IPR2016-00726, Institution Denial |
| C-9 | '147 Patent, IPR2016-00747, Partial Institution Decision |
| C-10 | '497 Patent, IPR2016-00724, Institution Decision |
| C-11 | '344 Patent, IPR2015-01970, Final Written Decision |
| C-12 | '344 Patent, IPR2016-00931, Institution Denial |
| C-13 | '966 Patent, IPR2015-01951, Final Written Decision |
| C-14 | '966 Patent, IPR2016-00932, Institution Denial |

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