

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 16-453-RGA
	:	
ACTIVISION BLIZZARD, INC.,	:	
	:	
Defendant.	:	

ACCELERATION BAY LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 16-454-RGA
	:	
ELECTRONIC ARTS, INC.,	:	
	:	
Defendant.	:	

ACCELERATION BAY LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 16-455-RGA
	:	
TAKE-TWO INTERACTIVE SOFTWARE, INC., et al.,	:	
	:	
Defendants.	:	

ORDER ON CLAIM CONSTRUCTION PROCESS

I have considered the latest installment of the pot and the kettle. The motion to strike (No. 16-453, D.I. 165; No. 16-454, D.I. 135; No. 16-455, D.I. 132) is **DENIED**.

I do not consider changing from plain meaning to something else for one out of fifty-six terms (No. 16-453, D.I. 190, p.2) to be something outside the norm.

The claim construction hearing scheduled for July 10 will be limited to the eight means-plus-function terms and the three “m” terms, that is, “m,” “m-regular,” and “m-connected.” That is pages 1-23 and 26-51 of the Joint Claim Construction Brief.

The rest of the briefing for both sides is struck. The Defendants are to divide the remaining terms into four groups with approximately equal number of terms in each group, and the parties may have the standard number of pages to brief each of the four groups, with the joint claim construction briefs being due at regularly spaced intervals, that is, August 31, September 29, October 31, and November 30, 2017. The parties should meet and confer on the interim dates, and submit a stipulated briefing schedule by COB July 10, 2017. Markman hearings will be scheduled later, at a time convenient for the Court. The Court does not intend to adopt the Plaintiff’s “no construction necessary” positions; Plaintiff needs to propose what the plain meaning is for each disputed term.

IT IS SO ORDERED this 5 day of July 2017.


United States District Judge