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.,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	

ACTIVISION|BLIZZARD, INC.'S ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Defendant Activision|Blizzard, Inc. ("Activision") submits the following answer and affirmative defenses to the Complaint for Patent Infringement (D.I. 1) filed by Plaintiff Acceleration Bay LLC ("Acceleration Bay").

On October 4, 2016, Activision moved to dismiss all the accused Sony products from the case because Plaintiff lacks standing, and the Court granted the motion on August 24, 2017 (D.I. 237). Therefore, the allegations relating to the accused Sony products no longer require a response.

GENERAL DENIAL

Unless specifically admitted below, Activision denies each and every allegation in Plaintiff's Complaint.

AS TO THE BACKGROUND

1. Activision admits that Acceleration Bay previously asserted 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 (the "Patents-in-Suit" or the "Acceleration Bay Patents") against Activision in C.A. No. 15-228 (D. Del.), and that the

District Court issued an Order in that previous case finding that Acceleration Bay lacked standing. Except as expressly admitted, Activision denies the remainder of the allegations in paragraph 1.

AS TO THE PARTIES

2. Activision lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 and therefore, denies them.

3. Activision lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 and therefore, denies them.

4. Activision lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 and therefore, denies them.

5. Activision admits it is a corporation organized and existing under the laws of the State of Delaware and that its principal place of business is located in Santa Monica, California.

6. Denied.

AS TO JURISDICTION AND VENUE

7. Paragraph 7 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Activision admits that Acceleration Bay purports to be bringing an action for patent infringement allegedly under 35 U.S.C. §§ 101 *et seq*, and that 28 U.S.C. §§ 1331 and 1338 provide the Court with subject matter jurisdiction over federal questions and patent infringement actions. Except as expressly admitted, Activision denies the remainder of the allegations in paragraph 7.

8. Paragraph 8 contains conclusions of law that are not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Activision does not contest that venue may lie in this District; however, venue may be more appropriate in another district

for the convenience of the parties. Except as expressly admitted, Activision denies the remainder of the allegations in paragraph 8.

9. Activision does not contest that the Court has personal jurisdiction in this action. Activision admits that it has transacted business in this district. Activision admits it is a corporation organized and existing under the laws of the State of Delaware. Activision denies any acts of patent infringement have taken place in this district, or elsewhere. The remaining allegations of paragraph 9 contains conclusions of law that are not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Activision denies the remaining allegations in paragraph 9.

AS TO THE PATENTS-IN-SUIT

10. Activision admits that the Complaint asserts the following six patents: U.S. Patent Nos. 6,701,344, 6,714,966, 6,732,147, 6,829,634, 6,910,069, and 6,920,497. Except as expressly admitted, Activision denies the remainder of the allegations in paragraph 10.

11. Activision admits that U.S. Pat. No. 6,701,344 ("the '344 Patent") is entitled "DISTRIBUTED GAME ENVIRONMENT" (a copy of which appears to be Exhibit 1), and that the face of the patent indicates that it was issued on March 2, 2004. Activision lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 11 and therefore denies them.

12. Denied.

13. Denied.

14. Activision admits that U.S. Pat. No. 6,714,966 ("the '966 Patent") is entitled "INFORMATION DELIVERY SERVICE" (a copy of which appears to be Exhibit 2), and that the face of the patent indicates that it was issued on March 30, 2004. Activision lacks

knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 14 and therefore denies them.

15. Denied.

16. Denied.

17. Activision admits that U.S. Pat. No. 6,732,147 ("the '147 Patent") is entitled "LEAVING A BROADCAST CHANNEL" (a copy of which appears to be Exhibit 3), and that the face of the patent indicates that it was issued on May 4, 2004. Activision lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 17 and therefore denies them.

18. Denied.

19. Denied.

20. Activision admits that U.S. Pat. No. 6,829,634 ("the '634 Patent") is entitled "BROADCASTING NETWORK" (a copy of which appears to be Exhibit 4), and that the face of the patent indicates that it was issued on December 7, 2004. Activision lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 20 and therefore denies them.

21. Denied.

22. Denied.

23. Activision admits that U.S. Pat. No. 6,910,069 ("the '069 Patent") is entitled "JOINING A BROADCAST CHANNEL" (a copy of which appears to be Exhibit 5), and that the face of the patent indicates that it was issued on June 21, 2005. Activision lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 23 and therefore denies them.

24. Denied.

25. Denied.

26. Activision admits that U.S. Pat. No. 6,920,497 ("the '497 Patent") is entitled "CONTACTING A BROADCAST CHANNEL" (a copy of which appears to be Exhibit 6), and that the face of the patent indicates that it was issued on July 19, 2005. Activision lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 26 and therefore denies them.

27. Denied.

28. Denied.

AS TO THE ACCUSED PRODUCTS

29. Denied.

30. Denied.

31. Denied.

32. Activision admits that certain World of Warcraft products include or have included features relating to multiple realms but denies that such technology has ever infringed any of the Patents-in-Suit. Activision denies the remaining allegations of paragraph 32.

33. Denied.

34. Activision admits that at least one version of the World of Warcraft Downloader included features relating to peer-to-peer technology but denies that any such technology has ever infringed any of the Patents-in-Suit. Activision denies the remaining allegations of paragraph 34.

35. Denied.

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