Case 1:16-cv-00453-RGA Document 473-1 Filed 02/23/18 Page 1 of 3 PageID #: 39169

EXHIBIT 1

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1	IN THE UNITED STATES DISTRICT COURT
2	IN AND FOR THE DISTRICT OF DELAWARE
3	
4	
5	ACCELERATION BAY, LLC, : CIVIL ACTION
6	Plaintiff, : :
7	vs. :
8	ACTIVISION BLIZZARD, :
9	Defendant. : NO. 16-0453-RGA :
10	ACCELERATION BAY, LLC, : CIVIL ACTION
11	Plaintiff, : :
12	vs. :
13	ELECTRONIC ARTS INC., :
14	Defendant. : NO. 16-0454-RGA
15	
16	Wilmington, Delaware
17	Monday, December 18, 2017 9:03 o'clock, a.m.
18	9.05 0°CLOCK, a.m.
19	BEFORE: HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.
20	
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22	
23	
24	Valerie J. Gunning Official Court Reporter
25	

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1	MR. HANNAH: Your Honor, we have some	1	channel within a network.
2	housekeeping issues that we can kind of take care of,	2	THE COURT: Yes.
3	take some terms off the table based on the recent	3	MR. HANNAH: We would agree that defendant's
4	submission.	4	proposed construction, which is a computer-readable medium
5	THE COURT: All right. Tell me about this happy	5	containing instructions that control communications of a
6	news.	6	participant of a broadcast channel within a network that
7	MR. HANNAH: It's indeed happy, Your Honor.	7	does not use routing tables, we would agree with that
8	So, again, we reiterated our position that, you	8	construction for claim, for term 24, which is claim 19 of
9	know, these terms and all of the terms in the subsequent	9	the '634 patent.
10	briefing, the plain and ordinary meaning should apply and	10	THE COURT: I'm sorry. Did the defendant's
11	that would resolve the parties' dispute. However, to the	11	proposal change somewhere in the middle of the briefing?
12	extent the Court wishes to construe these terms, we've	12	MR. HANNAH: Your Honor asked for supplemental
13	agreed to the construction of term for term 10.	13	briefing, I mean supplemental positions from the defendants,
14	THE COURT: Ten, yes.	14	and to the extent that the term is not found.
15	MR. HANNAH: 13 of the '344 patent and claim 13	15	THE COURT: Okay.
16	of the '966 patent.	16	MR. HANNAH: And that was a submission on
17	And	17	Friday. We haven't had a chance to respond to that and so
18	THE COURT: Wait a second. These are not terms	18	we analyzed it over the weekend.
19	that are for today. Right?	19	THE COURT: All right. Yes. I'm not apparently
20	MR. HANNAH: Term 10.	20	sure I even saw that.
21	THE COURT: Term 10 is, yes.	21	All right. In any event, whatever is in
22	MR. HANNAH: Network. So network within the	22	defendant's letter, you agree with that?
23	construct of claim 13 of the '344 patent we would agree	23	MR. HANNAH: Yes, which I just stated.
24	would be each of the broadcast channels.	24	THE COURT: Yes.
25	THE COURT: Wait. Is term 13 on today's list?	25	MR. HANNAH: I mean, I say I agree to the

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1	MR. HANNAH: I'm sorry if I misspoke. Term 10,	1	construction. I'm not agreeing to the positions that
2	and that only relates to claim 13 of the '344 patent.	2	they're taking.
3	THE COURT: Oh, claim 13. Sorry. I'm getting	3	THE COURT: All right. In any event, 24 is
4	claims and terms mixed up here. Okay.	4	resolved in your view?
5	MR. HANNAH: I apologize Your Honor.	5	MR. HANNAH: Correct. And then term 25. Now
6	THE COURT: All right. Term 10. I got that.	6	I'm messing up claims and terms. Term 25, which is Claim 1
7	Network.	7	of the '069 patent. Again, defendants propose a
8	MR. HANNAH: Yes. So network within claim 13 of	8	construction for the term, a computer-based, non-routing
9	the '344 patent and claim 13 of the '966 patent. We would	9	table based, non-switched based method for adding a
10	agree that network, the plain and ordinary meaning is each	10	participant to a network of participants. They proposed a
11	of the broadcast channels that comports with Acceleration	11	construction this last Friday, a computer-based method for
12	Based's understanding.	12	adding a participant to a network of participants that does
13	And then for term 24, that relates to claim 19	13	not use routing tables or switches. And we would agree to
14	of the '634 patent.	14	that construction for Claim 1 of the '069 patent.
15	THE COURT: Yes.	15	THE COURT: Okay.
16	MR. HANNAH: We would agree that the preamble,	16	MR. HANNAH: But we met and conferred with the
17	which is a computer based non-routing table based	17	defendants and they were fine with taking these off the
18	non-switched based method for adding a participant to a	18	table. However, they did wish me to inform the Court that
19	network of participants.	19	they preserve their indefiniteness arguments and would
20	THE COURT: All right. That's term 25.	20	submit that on the briefing unless the Court had any
21	MR. HANNAH: Term 25. I'm sorry. Let me go to	21	questions regarding those terms this morning.
22	term 24. Let's do this in order.	22	THE COURT: All right.

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