

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - -

ACCELERATION BAY, LLC,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
ACTIVISION BLIZZARD,	:	
	:	
Defendant.	:	NO. 16-0453-RGA
-----	:	
ACCELERATION BAY, LLC,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
ELECTRONIC ARTS INC.,	:	
	:	
Defendant.	:	NO. 16-0454-RGA

- - -

Wilmington, Delaware
Monday, December 18, 2017
9:03 o'clock, a.m.

- - -

BEFORE: HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

- - -

Valerie J. Gunning
Official Court Reporter

1 MR. HANNAH: Your Honor, we have some
2 housekeeping issues that we can kind of take care of,
3 take some terms off the table based on the recent
4 submission.

5 THE COURT: All right. Tell me about this happy
6 news.

7 MR. HANNAH: It's indeed happy, Your Honor.

8 So, again, we reiterated our position that, you
9 know, these terms and all of the terms in the subsequent
10 briefing, the plain and ordinary meaning should apply and
11 that would resolve the parties' dispute. However, to the
12 extent the Court wishes to construe these terms, we've
13 agreed to the construction of term -- for term 10.

14 THE COURT: Ten, yes.

15 MR. HANNAH: 13 of the '344 patent and claim 13
16 of the '966 patent.

17 And --

18 THE COURT: Wait a second. These are not terms
19 that are for today. Right?

20 MR. HANNAH: Term 10.

21 THE COURT: Term 10 is, yes.

22 MR. HANNAH: Network. So network within the
23 construct of claim 13 of the '344 patent we would agree
24 would be each of the broadcast channels.

25 THE COURT: Wait. Is term 13 on today's list?

1 channel within a network.

2 THE COURT: Yes.

3 MR. HANNAH: We would agree that defendant's
4 proposed construction, which is a computer-readable medium
5 containing instructions that control communications of a
6 participant of a broadcast channel within a network that
7 does not use routing tables, we would agree with that
8 construction for claim, for term 24, which is claim 19 of
9 the '634 patent.

10 THE COURT: I'm sorry. Did the defendant's
11 proposal change somewhere in the middle of the briefing?

12 MR. HANNAH: Your Honor asked for supplemental
13 briefing, I mean supplemental positions from the defendants,
14 and to the extent that the term is not found.

15 THE COURT: Okay.

16 MR. HANNAH: And that was a submission on
17 Friday. We haven't had a chance to respond to that and so
18 we analyzed it over the weekend.

19 THE COURT: All right. Yes. I'm not apparently
20 sure I even saw that.

21 All right. In any event, whatever is in
22 defendant's letter, you agree with that?

23 MR. HANNAH: Yes, which I just stated.

24 THE COURT: Yes.

25 MR. HANNAH: I mean, I say I agree to the

1 MR. HANNAH: I'm sorry if I misspoke. Term 10,
2 and that only relates to claim 13 of the '344 patent.

3 THE COURT: Oh, claim 13. Sorry. I'm getting
4 claims and terms mixed up here. Okay.

5 MR. HANNAH: I apologize Your Honor.

6 THE COURT: All right. Term 10. I got that.
7 Network.

8 MR. HANNAH: Yes. So network within claim 13 of
9 the '344 patent and claim 13 of the '966 patent. We would
10 agree that network, the plain and ordinary meaning is each
11 of the broadcast channels that comports with Acceleration
12 Based's understanding.

13 And then for term 24, that relates to claim 19
14 of the '634 patent.

15 THE COURT: Yes.

16 MR. HANNAH: We would agree that the preamble,
17 which is a computer based non-routing table based
18 non-switched based method for adding a participant to a
19 network of participants.

20 THE COURT: All right. That's term 25.

21 MR. HANNAH: Term 25. I'm sorry. Let me go to
22 term 24. Let's do this in order.

1 construction. I'm not agreeing to the positions that
2 they're taking.

3 THE COURT: All right. In any event, 24 is
4 resolved in your view?

5 MR. HANNAH: Correct. And then term 25. Now
6 I'm messing up claims and terms. Term 25, which is Claim 1
7 of the '069 patent. Again, defendants propose a
8 construction for the term, a computer-based, non-routing
9 table based, non-switched based method for adding a
10 participant to a network of participants. They proposed a
11 construction this last Friday, a computer-based method for
12 adding a participant to a network of participants that does
13 not use routing tables or switches. And we would agree to
14 that construction for Claim 1 of the '069 patent.

15 THE COURT: Okay.

16 MR. HANNAH: But we met and conferred with the
17 defendants and they were fine with taking these off the
18 table. However, they did wish me to inform the Court that
19 they preserve their indefiniteness arguments and would
20 submit that on the briefing unless the Court had any
21 questions regarding those terms this morning.

22 THE COURT: All right.