

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

ACCELERATION BAY LLC, a Delaware )  
Limited Liability Corporation, )

Plaintiff, )

v. )

ELECTRONIC ARTS INC., )  
a Delaware Corporation, )

Defendant. )

C.A. No.

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

## **COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Acceleration Bay LLC (“Acceleration Bay”) files this Complaint for Patent Infringement and Jury Demand against Defendant Electronic Arts Inc. (“Defendant” or “EA”) and alleges as follows:

### **BACKGROUND**

1. This Complaint alleges Defendant infringed and continues to infringe the same Acceleration Bay Patents (defined below) at issue in *Acceleration Bay LLC v. Take-Two Interactive Software Inc.*, 1:15-cv-00282-RGA (D. Del.), filed on March 30, 2015. The Acceleration Bay Patents asserted here and in the previous case were assigned by the Boeing Company to Acceleration Bay. On June 3, 2016, the District Court issued an Order in the previous case finding that Acceleration Bay lacked prudential standing. 1:15-cv-00282-RGA, D.I. 143. Subsequent to that Order, Acceleration Bay and the Boeing Company entered into an Amended and Restated Patent Purchase Agreement resolving all of the issues identified by the District Court in its June 3, 2016 Order.

### **THE PARTIES**

2. Acceleration Bay is a Delaware limited liability corporation, with its principal place of business at 370 Bridge Parkway, Redwood City, California 94065.

3. Acceleration Bay is an incubator for next generation businesses, in particular companies that focus on delivering information and content in real-time. Acceleration Bay focuses on investing in and supporting companies that further the dissemination of technological advancements.

4. Acceleration Bay also collaborates with inventors and research institutions to analyze and identify important technological problems, generate new solutions to these

problems, and bring those solutions to market through its partnerships with existing companies and startups.

5. On information and belief, EA is a Delaware corporation with its principal place of business at 209 Redwood Shores Parkway, Redwood City, California 94065.

6. Acceleration Bay is informed and believes that EA makes, uses, sells, offers for sale, and/or imports into the United States and this District products and services that utilize multiplayer or multisystem network technology as claimed in the Acceleration Bay Patents (defined below), including but not limited to, FIFA 15 and FIFA 16 (together, “FIFA”) (including, but not limited to Online Team Play, Online Friendlies, Online Seasons, Tournament Mode, and VOIP chat functionalities), NHL 15 and NHL 16 (together, “NHL”) (including, but not limited to Online Team Play, 6 v. 6 Online Team Play, Online Versus, Online Couch Co-op, and VOIP chat functionalities), Tiger Woods PGA Tour 14 and Rory McIlroy PGA Tour (together, “PGA”) (including, but not limited to Connected Tournament mode (including the 24 player Connected Tournaments), Online Head-to-Head (H2H) mode, Online Tournaments, Country Clubs, and VOIP chat functionalities), and Plants vs. Zombies: Garden Warfare and Plants vs. Zombies: Garden Warfare 2 (together “Plants vs. Zombies”) (including, but not limited to multiplayer modes Welcome Mat, Team Vanquish, Turf Takeover, Gardens & Graveyards, Garden Ops, Graveyard Ops, Backyard Battleground, Classic Mode, Mixed Mode, Gnome Bomb, Flag of Power, Vanquish Confirmed, Herbal Assault mode, and Suburbation).

#### **JURISDICTION AND VENUE**

7. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and/or 1400(b).

9. This Court has personal jurisdiction over Defendant. Upon information and belief, Defendant does business in this District and has, and continues to, infringe in this District. On information and belief, Defendant is incorporated in the State of Delaware. In addition, the Court has personal jurisdiction over Defendant because it has established minimum contacts with the forum and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

### **THE PATENTS-IN-SUIT**

10. Acceleration Bay owns 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 (collectively referred to as the “Acceleration Bay Patents”).

11. On March 2, 2004, U.S. Patent No. 6,701,344 (“the ‘344 Patent”), entitled DISTRIBUTED GAME ENVIRONMENT, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘344 Patent is attached to this Complaint as Exhibit 1 and is incorporated by reference herein.

12. All rights, title, and interest in the ‘344 Patent have been assigned to Acceleration Bay, which is the sole owner of the ‘344 Patent.

13. The ‘344 Patent is generally directed towards systems for an effective broadcast technique in a game environment using a regular network. By implementing such a broadcast technique, the system is able to provide a broadcast channel using an underlying network system that sends messages on a point to point basis, providing efficiency and reliability to a gaming environment.

14. On March 30, 2004, U.S. Patent No. 6,714,966 (“the ‘966 Patent”), entitled INFORMATION DELIVERY SERVICE, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘966 Patent is attached to this Complaint as Exhibit 2 and is incorporated by reference herein.

15. All rights, title, and interest in the ‘966 Patent have been assigned to Acceleration Bay, who is the sole owner of the ‘966 Patent.

16. The ‘966 Patent is generally directed towards systems for providing an information delivery service using a regular network. One of the ways this is accomplished is by sending data through neighbor participants.

17. On May 4, 2004, U.S. Patent No. 6,732,147 (“the ‘147 Patent”), entitled LEAVING A BROADCAST CHANNEL, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘147 Patent is attached to this Complaint as Exhibit 3 and is incorporated by reference herein.

18. All rights, title, and interest in the ‘147 Patent have been assigned to Acceleration Bay, who is the sole owner of the ‘147 Patent.

19. The ‘147 Patent is generally directed towards methods and systems for leaving a broadcast channel. One of the ways this is accomplished is by sending messages to a second computer, so that the second computer can connect to a third computer to maintain a regular network.

20. On December 7, 2004, U.S. Patent No. 6,829,634 (“the ‘634 Patent”), entitled BROADCASTING NETWORK, was issued to Fred B. Holt and Virgil E. Bourassa. A true and correct copy of the ‘634 Patent is attached to this Complaint as Exhibit 4 and is incorporated by reference herein.

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