

**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.,)	PUBLIC VERSION
)	
Defendant.)	
<hr/>		
ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-454 (RGA)
)	
ELECTRONIC ARTS INC.,)	
)	
Defendant.)	
<hr/>		
ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-455 (RGA)
)	
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC., and 2K)	
SPORTS, INC.,)	
)	
Defendants.)	

PARTIES' JOINT CLAIM CONSTRUCTION CHART

[VOLUME 3 OF 8]

[Exhibit C 1-21]

Philip A. Rovner (#3215)
Jonathan A. Choa (#5319)
POTTER ANDERSON & CORROON LLP
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com
jchoa@potteranderson.com

OF COUNSEL:

Paul J. Andre
Lisa Kobialka
KRAMER LEVIN NAFTALIS &
FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
(650) 752-1700

Aaron M. Frankel
KRAMER LEVIN NAFTALIS &
FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
(212) 715-9100

Attorneys for Plaintiff

Jack B. Blumenfeld (#1014)
Stephen J. Kraftschik (#5623)
MORRIS, NICHOLS, ARSHT
& TUNNELL LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
skraftschik@mnat.com

OF COUNSEL:

Michael A. Tomasulo
Gino Cheng
David K. Lin
Joe S. Netikosol
WINSTON & STRAWN LLP
333 S. Grand Avenue, 38th Floor
Los Angeles, CA 90071
(213) 615-1700

David P. Enzminger
WINSTON & STRAWN LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025
(650) 858-6500

Dan K. Webb
Kathleen B. Barry
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
(312) 558-5600

Attorneys for Defendants

Dated: April 17, 2017
Public Version Dated: April 25, 2017

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.,)	PUBLIC VERSION
)	
Defendant.)	

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-454 (RGA)
)	
ELECTRONIC ARTS INC.,)	
)	
Defendant.)	

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-455 (RGA)
)	
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC., and 2K)	
SPORTS, INC.,)	
)	
Defendants.)	

PARTIES' JOINT CLAIM CONSTRUCTION CHART

Pursuant to § 6(e) of the Court's February 27, 2017 Scheduling Order, Plaintiff Acceleration Bay and Defendants Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively "Defendants") submit their Joint Claim Construction Chart, attached as Exhibit 1, identifying for the Court the terms and phrases of the claims in issue and each party's proposed construction of the disputed

claim language with citations to the intrinsic evidence in support of their respective proposed constructions.¹

The Asserted Patents are attached as Exhibits A-1 – A-6: U.S. Patent Nos. 6,701,344 (the “344 Patent), 6,714,966 (the “966 Patent”), 6,732,147 (the “147 Patent”), 6,829,634 (the “634 Patent”), 6,910,069 (the “069 Patent”) and 6,920,497 (the “497 Patent”).²

Additional portions of the intrinsic record cited by the parties are identified in the following summary table:

Ex.	Evidence
Asserted Patents	
A-1	U.S. Pat. No. 6,701,344
A-2	U.S. Pat. No. 6,714,966
A-3	U.S. Pat. No. 6,732,147
A-4	U.S. Pat. No. 6,829,634
A-5	U.S. Pat. No. 6,910,069
A-6	U.S. Pat. No. 6,920,497

¹ Defendants’ Statement: On April 5, 2017, Plaintiff dropped various claims and attempted to add various claims. On April 13, 2017, Judge Andrews held that “[a]bsent good cause, Plaintiff cannot substitute different claims for the ones currently asserted . . .” Therefore, it appears that certain terms do not have to be construed against certain claims anymore, and at least one term can be dropped in its entirety. Defendants will review the list and offer a revision after it has conferred with Plaintiff. Additionally, various *Inter Partes* Review petitions are currently pending before the Patent Trial and Appeal Board. The following listing of claims is not an admission that any particular claim is valid. Furthermore, Defendants reserve the right to modify this list of claims consistent with current and future rulings at the Patent and Trademark Office.

² The Asserted Patents state that they are “related.” Many of the Asserted Patents have the same or similar disclosures, and each party’s citation to a disclosure in one patent shall be understood to encompass the same or similar disclosures in the other Asserted Patents.

Ex.	Evidence
File Histories of the Asserted Patents	
B-1	File History of U.S. Pat. No. 6,701,344
B-2	File History of U.S. Pat. No. 6,714,966
B-3	File History of U.S. Pat. No. 6,732,147
B-4	File History of U.S. Pat. No. 6,829,634
B-5	File History of U.S. Pat. No. 6,910,069
B-6	File History of U.S. Pat. No. 6,920,497
<i>Inter Partes</i> Review Decisions	
C-1	'344 Patent, IPR2015-01972, Final Written Decision
C-2	'966 Patent, IPR2015-01953, Final Written Decision
C-3	'634 Patent, IPR2015-01996, Final Written Decision
C-4	'344 Patent, IPR2015-01972, Institution Decision
C-5	'966 Patent, IPR2015-01953, Institution Decision
C-6	'634 Patent, IPR2015-01996, Institution Decision
C-7	'634 Patent, IPR2016-00727, Institution Denial
C-8	'069 Patent, IPR2016-00726, Institution Denial
C-9	'147 Patent, IPR2016-00747, Partial Institution Decision
C-10	'497 Patent, IPR2016-00724, Institution Decision
C-11	'344 Patent, IPR2015-01970, Final Written Decision
C-12	'344 Patent, IPR2016-00931, Institution Denial
C-13	'966 Patent, IPR2015-01951, Final Written Decision
C-14	'966 Patent, IPR2016-00932, Institution Denial

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.