

EXHIBIT L

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

ACCELERATION BAY LLC,)	C.A. No. 16-453 (RGA)
Plaintiff,)	
v.)	
ACTIVISION BLIZZARD, INC.,)	JURY TRIAL DEMANDED
Defendant.)	
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ACCELERATION BAY LLC,)	C.A. No. 16-454 (RGA)
Plaintiff,)	
v.)	
ELECTRONIC ARTS INC.,)	JURY TRIAL DEMANDED
Defendant.)	
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ACCELERATION BAY LLC,)	C.A. No. 16-455 (RGA)
Plaintiff,)	
v.)	
TAKE-TWO INTERACTIVE SOFTWARE, INC., ROCKSTAR GAMES, INC., and 2K SPORTS, INC.,)	JURY TRIAL DEMANDED
Defendant.)	

SUR-REPLY DECLARATION OF DR. JOHN P.J. KELLY

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I, John Kelly, hereby declare as follows:

I. INTRODUCTION

1. I make this Declaration based upon my own personal knowledge, information, and belief, and I would and could competently testify to the matters set forth herein if called upon to do so.

2. This Declaration is further to my May 19, 2017 Declaration in support of Defendants' Responsive Claim Construction Brief. I incorporate by reference the discussion of my qualifications, materials reviewed, person of ordinary skill in the art, and overview of the technology from my May 19, 2017 Declaration.

II. PRINCIPLES OF INTERPRETATION OF MEANS PLUS FUNCTION TERMS

3. I understand that an element in a claim may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and that such claims shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. I further understand that a structure in the specification can qualify as a "corresponding structure" only if the specification clearly links that structure to the function specified in the claim. I understand that if a corresponding structure for a means-plus-function element cannot be identified in the specification, then the claim is indefinite.

4. I am further informed that in the context of computer-implemented inventions (such as claims that recite processes that are performed by software running on a computer), the "corresponding structure" in the specification cannot simply be a general purpose computer or microprocessor; instead, the specification must also disclose a specific algorithm for performing the claimed function(s). I am further informed that even where a specification discloses a physical structure that is essentially a general purpose processor for performing the function, the

claim will be invalid as indefinite if the specification fails to disclose the algorithm for performing the recited claim function.

5. I note that Dr. Medvidovic does not state the principles for interpreting means plus functions terms in his declaration, and thus it is unclear what standard he applied.

III. TERMS 1-4: MEANS PLUS FUNCTION TERMS FOR THE '344 AND '966 PATENTS

A. **TERMS 1 AND 2: “MEANS FOR IDENTIFYING A BROADCAST CHANNEL FOR A GAME OF INTEREST;” “MEANS FOR IDENTIFYING A GAME OF INTEREST INCLUDES ACCESSING A WEB SERVER THAT MAPS GAMES TO CORRESPONDING BROADCAST CHANNEL” ('344 PATENT)**

Plaintiff’s Proposed Constructions	Defendants’ Proposed Constructions
Term 1: “means for identifying a broadcast channel for a game of interest”	
Governed by 35 U.S.C. § 112(6): Function: identifying a broadcast channel for a game of interest Structure: a processor programmed to perform the algorithm disclosed in steps described in ‘344 Patent at 16:57-17:1, which involves connecting to a web server and downloading a broadcaster component that identifies the broadcast channel for the game of interest	This term is indefinite. Function: identifying a broadcast channel for a game of interest Structure: Indefinite because no/insufficient algorithm disclosed
Term 2: “means for identifying a game of interest includes accessing a web server that maps games to corresponding broadcast channel”	
“Means for identifying a game of interest” is construed above. No further construction necessary.	This term is indefinite. Function: identifying a game of interest includes accessing a web server that maps games to corresponding broadcast channel Structure: Indefinite because no/insufficient algorithm disclosed

6. I understand that the parties agree on the functions for Terms 1 and 2. Thus, I turn to whether the specification discloses a corresponding structure and algorithms that are clearly linked to the recited functions. As I noted above, I understand that for a computer-

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