

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

ACCELERATION BAY LLC,)
)
Plaintiff,) C.A. No. 16-453 (RGA)
)
v.)
)
ACTIVISION BLIZZARD, INC.,)
)
Defendant.)

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

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

**DECLARATION OF NENAD MEDVIDOVIĆ IN SUPPORT OF PLAINTIFF
ACCELERATION BAY LLC'S CLAIM CONSTRUCTION BRIEF REGARDING TERM 4**

I, Nenad Medvidović, declare:

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. I understand that the Court has requested additional briefing for Term 4 on (1) whether there is a substantive difference between the algorithm/“process of new computer Z connecting to the broadcast channel” of Figure 3A and 3B and corresponding specifications and the algorithm/“process in the connect routine” of Figure 8 and corresponding specifications, and (2) if there is a difference, whether Figures 3A and 3B and corresponding specifications constitute a separate algorithm.

3. I previously submitted a declaration regarding Term 4 (D.I. 191-1, Ex. F) (“First Declaration”), and provide below a more detailed explanation below of the process for connecting to the broadcast channel to address the questions by the Court.

I. Qualifications

4. I incorporate by reference the “Qualifications” from my First Declaration.

II. Materials Reviewed

5. I incorporate by reference the “Materials Reviewed” from my First Declaration.

6. In connection with submitting this declaration, I have also reviewed the Courts Opinion and Memorandum (D.I. 275), Claim Construction Order (D.I. 287), and Defendants’ Supplemental Claim Construction Brief Addressing Term 4.

III. Description of Process for Connecting to Broadcast Channel (Term 4)

7. I incorporate by reference the “Overview of the Technology” from my First Declaration.

8. To address the Court’s questions regarding the process for connecting to a broadcast channel, I provide an additional overview of the connection process.

9. The Asserted Patents include various features and multiple embodiments that may be used to practice the claimed inventions. In describing the broadcast technique, the Asserted Patents identify three features:

The broadcast technique includes (1) the connecting of computers to the broadcast channel (i.e., composing the graph), (2) the broadcasting of messages over the broadcast channel (i.e., broadcasting through the graph), and (3) the disconnecting of computers from the broadcast channel (i.e., decomposing the graph) composing the graph.

Ex. A-1 (‘344 patent) at 5:11-16.

10. The first feature of connecting computers to the broadcast channel (i.e., composing the graph) relates to Term 4 and the process for connecting to the broadcast channel. The Asserted Patents identify broadcasting of messages over the broadcast channel and disconnecting a computer from the broadcast channel are identified as separate features from connecting to the broadcast channel. *Id.*

11. The Asserted Patents describe at least two separate processes for connecting to the broadcast channel. The Asserted Patents describe that connecting to the broadcast channel involves contacting a portal computer and then connecting to at least four computers already connected to the broadcast channel. Ex. A-1 (‘344 patent) at 5:17-33. Where the graph already has at least four computers that are connected, this is referred to as the “large regime.” *Id.*

12. The Asserted Patents provides a First Embodiment for connecting to a broadcast channel where there are at least four computers. Where there are less than five computers connected to the graph, this is referred to as the “small regime.” The process for connecting to the broadcast channel in the small regime scenario is described below—later in the patent from the discussion of the First Embodiment:

Composing the Graph

To connect to the broadcast channel, the computer seeking the connection first locates a computer that is currently fully connected to the broadcast channel and then establishes a connection with four of the computers that are already connected to the broadcast channel. (This assumes that there are at least four computers already connected to the broadcast channel. When there are fewer than five computers connected, the broadcast channel cannot be a 4-regular graph. In such a case, the broadcast channel is considered to be in a “small regime.” The broadcast technique for the small regime is described below in detail. When five or more computers are connected, the broadcast channel is considered to be in the “large regime.” *This description assumes that the broadcast channel is in the large regime, unless specified otherwise.*)

Ex. A-1 (‘344 patent) 5:17-33 (emphasis added).

13. I refer to the second process, which includes various additional features and may be used in both the small and large regimes.

A. First Embodiment

14. The Asserted Patents describe three main steps in the algorithm in the First Embodiment for connecting to the broadcast channel where there are at least four computers already connected to the graph:

Thus, the process of connecting to the broadcast channel includes locating the broadcast channel, identifying the neighbors for the connecting computer, and then connecting to each identified neighbor.

Ex. A-1 (‘344 patent) 5:33-37.

15. The Asserted Patents provide details for each of the three steps explaining to a POSITA how to configure the system so a computer can connect to the broadcast channel (which is described in other portions of the Asserted Patents).

1. Step 1

16. The first step in the process requires a seeking computer to contact a portal computer as follows:

Each computer is aware of one or more “portal computers” through which that computer may locate the broadcast channel. A seeking computer locates the broadcast channel by contacting the portal computers until it finds one that is currently fully connected to the broadcast channel.

Ex. A-1 (‘344 patent) 5:37-42.

17. A POSITA would understand that the seeking computer would have information (e.g., a list of network addresses or similar information associated with portal computers) to contact “portal computers.” The seeking computer will contact the various portal computers until it finds one that is fully connected. Once it finds a fully connected portal computer, the connection process proceeds to the next step.

18. As noted above, the First Embodiment assumes there are already four connected computers. As such, a POSITA would understand that connecting to a portal computer is streamlined in that there should already be a fully connected portal computer. Moreover, “portals” were well known and the particular details of a “portal computer,” and a “fully connected portal computer” are described in other portions of the Asserted Patents relating to the portal computer. The description above, however, fully describes the first step of the connection process.

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