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.	)	

[PROPOSED] ORDER

WHEREAS, the Court, having considered Plaintiff Acceleration Bay LLC's Motion for

Summary Judgment of Infringement and Validity, its Motion to Exclude the Expert Testimony of

Catharine M. Lawton (both filed February 2, 2018), and the related briefing and all arguments

thereto;

IT IS HEREBY ORDERED this _____ day of _____, 2018, that:

Acceleration Bay LLC's Motion for Summary Judgment of Infringement is hereby GRANTED. Final judgment of infringement of United States Patent 6,701,344 is entered in favor of Acceleration Bay LLC and against Activision Blizzard, Inc.

Acceleration Bay LLC's Motion for Summary Judgment of Validity is hereby GRANTED. Final judgment of validity of U.S. Patent Nos. 6,701,344, 6,714,966, 6,910,069, 6,732,147, 6,829,634, and 6,920,497 is entered in favor of Acceleration Bay LLC and against Activision Blizzard, Inc. as follows:[1]

Asserted Patents:	Asserted Claims:	Valid Over:
'344 & '966	Claim 12	Alagar[2]
		Alagar and Age of Empires[3]
		Alagar and DirectPlay[4]
		DirectPlay
		Shoubridge[5]
	'344 Claim 13, 14, 15 '966 Claim 13	Alagar and Age of Empires
		Alagar and DirectPlay
'069	Claims 1 and 11	Obraczka Thesis[6], Shoubridge and Denes

[1] For purposes of defining the alleged prior art at issue in this proposed order, Acceleration Bay uses Defendants' descriptions of the references. This is not an admission that Defendants have established that the references were publicly available by any specific date.

[2] S. Alagar, et al., Reliable Broadcast in Mobile Wireless Networks, Military Communications Conference, 1 IEEE MILCOM '95 CONF. REC., 236-40 (San Diego, Cal., 1995) (BENNETT_000591-622).

[3] Age of Empires I video game, developed by Ensemble Studios and published by Microsoft for Windows 95 or NT operating systems. (DEFS-I0025545)

[4] Bradly Bargen & Peter Donnelly, Inside DirectX (Microsoft Press 1998) ("Inside DirectX") & CD accompanying Inside DirectX ("Inside DirectX CD"), which includes the SDK for DirectX 5.2, sample games (e.g., Duel, Space Brouhaha, Chatter), and source code (DEFS-I0025548)

[5] Peter J. Shoubridge & Arek Dadej, "Hybrid Routing in Dynamic Networks", IEEE International Conference on Communications, Montreal, 1997. (BENNETT_000001-05)

Asserted Patents:	Asserted Claims:	Valid Over:
'147	Claims 1, 11, 15 and 16	Shoubridge, Denes[7] and Rufino[8]
'634	Claims 19 and 22	DirectPlay, Shoubridge, Obraczka[9] and Obraczka Thesis
'497	Claims 9 and 16	Kegel[10] and Naugle[11]
		ActiveNet[12] and Naugle

Acceleration Bay LLC's Motion to Exclude the Expert Testimony of Catharine M. Lawton is hereby GRANTED. Catharine M. Lawton is prohibited from testifying at trial about her opinion regarding the reasonable royalty owed to Acceleration Bay LLC for Activision Blizzard, Inc.'s infringement, any purported non-infringing alternatives not addressed by Activision's technical experts in their reports, and any secondary considerations of non-obviousness concerning the asserted patents.

_____
Honorable Richard G. Andrews
United States District Court Judge

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[6] Katia Obraczka, "Massively Replicating Services In Wide Area Internetworks" (Ph.D. Thesis, University of Southern California, December 1994) (BENNETT_000048-187)

[7] English Language Translation of: Tamás Dénes, "'Evolution' by Vertex of Even-order Regular Graphs," MATEMATICKAI LAPOK, 1979, pp.365-377 (BENNETT_000232-40 (original); BENNETT_000244-66 (translation))

[8] Jose Rufino: Jose Rufino, et al., "A Study on the Inaccessibility Characteristics of ISO 8802/4 Token Bus LANs", IEEE INFOCOM '92: The Conference on Computer Communications; Eleventh Annual Joint Conference of the IEEE Computer and Communications Societies (1992). (BENNETT_000193-209)

[9] Katia Obraczka et al., "A Tool for Massively Replicating Internet Archives: Design, Implementation, and Experience", IEEE Proceedings of the 16th International Conference on Distributed Computing Systems, May 1996. (BENNETT_000016-31)

[10] Dan Kegel, "NAT and Peer-to-Peer Networking," http://alumnus.caltech.edu/~dank/peer-nat.html (last updated July 17, 1999) (BENNETT_000226-29)

[11] Matthew Naugle, "Network Protocol Handbook" (Mc-Graw-Hill in 1994) (BENNETT_000293-408)

[12] ActiveNet archives DEFS-I0025493 and DEFS-I0028725