

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

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

**ACCELERATION BAY LLC’S SUPPLEMENTAL BRIEF IN OPPOSITION TO
ELECTRONIC ARTS, INC.’S MOTION FOR SUMMARY JUDGMENT**

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TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF ARGUMENT	1
ARGUMENT	2
I. EA Infringes By Using the Inventions of the Asserted ‘497, ‘344 and ‘966 Patent Claims	2
A. Overview of EA’s Testing and Development Documents.....	2
(1) Testing Protocols	2
(2) Organizational Charts and Timelines.....	3
(3) Tracking Spreadsheets and Status Updates:	5
B. EA Tests the Infringing Game Modes and Platforms.....	6
C. EA Tests the Accused Products During the Infringing Time Period.....	8
D. EA Tested and Used the Accused Products in the United States	9
II. EA Infringes By Making the Inventions of the Asserted ‘497, ‘344 and ‘966 Patent Claims	10
A. EA Makes the Blaze Redirector Component of the ‘497 Patent	10
B. EA’s Software Makes the Infringing Networks of the Asserted ‘344 and ‘966 Patent Claims	13
III. EA Infringes the Method Claims of the ‘147 and 069 Patents	15
IV. The Accused Products Use M-Regular Networks (Infringement of the ‘344, ‘966, ‘147 and ‘069 Patents).....	18
V. EA Mischaracterized Acceleration Bay’s Disclosure of Evidence of EA’s Willfull Infringement	25
CONCLUSION.....	26

TABLE OF ABBREVIATIONS

	ABBREVIATION
The Parties	
Acceleration Bay, LLC	AB
Acceleration Bay's Opposition to EA's Motion For Summary Judgment (D.I. 467)	AB Opp. Br.
Electronic Arts, Inc.	EA
EA's Brief in Support of Motions for Summary Judgment (D.I. 426)	Def. Br.
EA's Supplemental Brief in Support of Motion for Summary Judgment (D.I. 526)	EA Supp. Br.
The "Asserted Patents"	
U.S. Patent No. 6,701,344 (D.I. 470, Ex. 102)	'344 Patent
U.S. Patent No. 6,714,966 (D.I. 470, Ex. 103)	'966 Patent
U.S. Patent No. 6,910,069 (D.I. 470, Ex. 107)	'069 Patent
U.S. Patent No. 6,732,147 (D.I. 470, Ex. 106)	'147 Patent
U.S. Patent No. 6,920,497 (D.I. 470, Ex. 104)	'497 Patent
The "Accused Products"	
FIFA 15 and FIFA 16	FIFA
NHL 15 and NHL 16	NHL
Plants vs. Zombies: Garden Warfare 1 and Plants vs. Zombies Garden Warfare 2	PvZ

Acceleration Bay's Expert Reports	
Expert Report of Dr. Eric Cole Regarding Technology Tutorial, dated September 20, 2017 (Ex. 43 to Declaration of Marcus Colucci in Support of Acceleration Bay's Supplemental Brief in Opposition to EA's Motion for Summary Judgment)	Cole Rpt.
Expert Report of Nenad Medvidović, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966 and 6,732,147, dated October 5, 2017 (D.I. 442, Ex. 1)	Med. Rpt.
Reply Expert Report of Nenad Medvidović, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966 and 6,732,147, dated February 7, 2018 (D.I. 442, Ex. 2)	Med. Reply
Expert Report of Michael Mitzenmacher, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,920,497 and 6,910,069, dated October 5, 2017 (D.I. 442, Ex. 3)	Mitz. Rpt.
Reply Expert Report of Michael Mitzenmacher, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,920,497 and 6,910,069, dated February 7, 2018 (D.I. 442, Ex. 4)	Mitz. Reply
Activision's Expert Reports	
Expert report of John Kelly, Ph.D., regarding non-infringement of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,920,497 (D.I. 430, Barry Decl., Ex. A-5)	Kelly Rpt.
Expert report of Michael R. Macedonia, Ph.D., regarding non-infringement of U.S. Patent Nos. 6,732,147 and 6,910,069 (D.I. 431, Barry Decl., Ex. A-7)	Macedonia Rpt.

SUMMARY OF ARGUMENT

The Court should deny EA's motion for summary judgment of non-infringement of the '344, '966, and '497 Patents. Acceleration Bay has come forward with overwhelming evidence that EA infringes the claimed inventions of the '344, '966, and '497 Patents through its use of the Accused Products, including development, updating and testing, which is critical for the commercial success of these games. The evidence includes binding party admissions from EA's 30(b)(6) witnesses and interrogatory responses and extensive documentation and data, detailing EA's protocols for testing, tracking, and logging EA's entire product development process. EA's testing protocols mandate testing all of the accused online modes for the Xbox and PC platforms at issue. And, as shown below, EA did just that, testing and using (1) all of the accused game modes (2) on all of the accused platforms, (3) during the infringing damages period, and (4) within the United States. Acceleration Bay also demonstrates that EA makes the infringing component of the '497 Patent, EA's Blaze redirector running EA's software, and the infringing networks of the '344 and '966 Patents, networks of EA's software processes created by EA's software processes.

EA infringes the asserted method claims of the '147 and '069 Patents because each of the recited steps of the asserted claims is performed in the United States. EA's theory that it does not infringe because [REDACTED] should be rejected because it ignores the actual language and structure of the recited claims.

Finally, the Court should reject EA's argument that the Accused Products do not use m-regular networks. Acceleration Bay and its experts have come forward with ample evidence that they do. At best, EA disputes issues of fact and identifies battling expert opinions that should be resolved at trial and preclude summary judgment.

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