

**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.	)	

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

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

**PLAINTIFF ACCELERATION BAY’S OPPOSITION  
TO DEFENDANTS’ MOTION TO STRIKE PROPOSED CLAIM CONSTRUCTIONS**

OF COUNSEL:

Paul J. Andre  
Lisa Kobialka  
Hannah Lee  
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

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5245753

Philip A. Rovner (# 3215)  
Jonathan A. Choa (#5319)  
POTTER ANDERSON & CORROON LLP  
1313 North Market Street 6th Floor  
Wilmington, Delaware 19801  
(302) 984-6000  
provner@potteranderson.com  
jchoa@potteranderson.com

*Attorneys for Plaintiff  
Acceleration Bay LLC*

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. SUMMARY OF THE ARGUMENT .....	1
II. STATEMENT OF FACTS .....	2
III. ARGUMENT .....	6
A. Acceleration Bay Timely Disclosed Its Means-Plus-Function Constructions .....	6
B. Acceleration Bay Timely Disclosed Its Constructions For “M-Regular” and “M-Connected” .....	6
C. Acceleration Bay Never Changed Its Position For the Forty-Six Terms That Do Not Require Construction .....	7
D. Acceleration Bay Met and Conferred With Defendants For Over an Hour on the Parties’ Proposed Constructions .....	11
E. Defendants Fail to Identify Any Prejudice, and No Sanctions Are Warranted.....	13

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>EMC Corp. v. Pure Storage Inc.</i> , C.A. No. 13-1985-RGA, D.I. 66 (D. Del. Sept. 19, 2014) .....	10
<i>Energy Transp. Group, Inc. v. William Demant Holding A/S</i> , 697 F.3d 1342 (Fed. Cir. 2012).....	10
<i>Finjan, Inc. v. Secure Computing Corp.</i> , 626 F.3d 1197 (Fed. Cir. 2010).....	10
<i>Integrated Discrete Devices, L.L.C. v. Diodes Inc.</i> , C.A. No. 08-888-GMS (D. Del. Apr. 28, 2010) .....	15
<i>Magnetar Technologies Corp. v. Six Flags Theme Parks Inc.</i> C.A. No. 07-127-LPS-MPT, 2012 WL 394660 (D. Del. Feb. 1, 2012) .....	14
<i>Meyers v. Pennypack Woods Home Ownership Ass’n</i> , 559 F.2d 894 (3d Cir. 1977).....	13, 15
<i>Microbix Biosystems, Inc. v. Novartis Vaccines and Diagnostics, Inc.</i> , No. 6:14-cv-00003-JDL, D.I. 65 (E.D. Tex. Dec. 3, 2014) .....	7
<i>NuVasive, Inc. v. Globus Medical, Inc.</i> , C.A. No. 10-849-LPS, 2013 WL 3705731 (D. Del. July 12, 2013).....	14
<i>The Proctor &amp; Gamble Co. v. Teva Pharms. USA, Inc.</i> , C.A. No. 04-940-JJF, 2006 WL 2241128 (D. Del. Aug. 4, 2006).....	13
<i>Sound View Innovations, LLC v. Facebook, Inc.</i> , C.A. No. 16-116-RGA, D.I. 85 (D. Del. March 13, 2017) .....	10
<i>V. Mane Fils S.A. v. Int’l Flavors and Fragrances, Inc.</i> , No. 06-2304 (FLW), 2011 WL 1344193 (D.N.J. Apr. 8, 2011).....	14
<i>Via Vadis LLC v. Skype Inc.</i> C.A. No. 11-507-RGA, D.I. 91 (D. Del. Nov. 20, 2012).....	14
<b>Other Authorities</b>	
United States District Court for the Northern District of California Patent Local Rules 4.1(b).....	11
Manual of Patent Examining Procedure § 2173.01 .....	2

Acceleration Bay LLC (“Acceleration Bay”) submits this opposition brief in response to Defendants Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc.’s (collectively, “Defendants”) motion to strike Plaintiff Acceleration Bay LLC’s proposed claim constructions (the “Motion”). For the reasons set forth below, Defendants’ Motion should be denied.

## **I. SUMMARY OF THE ARGUMENT**

Defendants’ Motion, long on vitriol and short on actual facts, is entirely baseless. Indeed, its main two premises are plainly wrong. First, contrary to Defendants’ claim that Acceleration Bay “proposed constructions for nearly every claim term identified by Defendants,” even a cursory review of the Declaration of Nenad Medvidović in Support of Plaintiff Acceleration Bay LLC’s Opening Claim Construction Brief (D.I. 166-1 (“Def. Ex.”), Ex. 13) proves that Acceleration Bay never changed its position from the Joint Claim Construction Chart. Acceleration Bay has maintained from the very beginning that the vast majority of the claim terms proposed by Defendants should be given their plain and ordinary meaning, as shown in Exhibit A to the Declaration of Aaron Frankel (“Frankel Decl.”), a table comparing the claim constructions Acceleration Bay proposed in the Joint Claim Construction Chart and in the claim construction briefing.

Second, Defendants offer a selective and misleading characterization of the parties’ meet and confer regarding their claim construction positions. Contrary to their claims, Acceleration Bay’s counsel was fully prepared to discuss the claim terms at issue and discussed those positions with Defendants’ counsel for over an hour. Thus, Defendants’ Motion is nothing more than a trumped up collateral attack on Acceleration Bay, a side show that falls apart upon even a quick review of the facts, which confirm that Acceleration Bay disclosed its claim construction

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