

**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.,)	
)	
Defendant.)	
<hr/>)	
ACCELERATION BAY LLC,)	C.A. No. 16-454 (RGA)
)	
Plaintiff,)	
)	
v.)	
)	
ELECTRONIC ARTS INC.,)	
)	
Defendant.)	
<hr/>)	
ACCELERATION BAY LLC,)	C.A. No. 16-455 (RGA)
)	
Plaintiff,)	
)	
v.)	
)	
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC., and 2K)	
SPORTS, INC.,)	
)	
Defendants.)	
<hr/>)	

PROPOSED CLAIM CONSTRUCTION ORDER

The Court, having considered the parties’ briefing on claim construction (D.I. 186, 225, 237, 240), and in accordance with the reasoning set forth in the Court’s Memorandum Opinion (D.I. 275), **IT IS HEREBY ORDERED** that the terms of U.S. Patent Nos. 6,701,344 (the “344 Patent”), 6,714,966 (the “966 Patent”), 6,829,634 (the “634 Patent”), 6,910,069 (the “069

Patent”), 6,732,147 (the “147 Patent”), and 6,920,497 (the “497 Patent”) set forth below are construed as follows:

1	“means for identifying a broadcast channel for a game of interest”	‘344/13	<p>Function: “Identifying a broadcast channel for a game of interest”</p> <p>Structure: A processor programmed to perform the algorithm disclosed in steps described in the ‘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.</p>
2	“means for identifying a game of interest includes accessing a web server that maps games to corresponding broadcast channel”	‘344/14	<p>Function: Identifying a game of interest includes accessing a web server that maps games to corresponding broadcast channel</p> <p>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</p>
3	“means for identifying a broadcast channel for a topic of interest”	‘966/13	<p>Function: Identifying a broadcast channel for a topic of interest</p> <p>Structure: A processor programmed to perform the algorithm disclosed in steps described in ‘966 Patent at 16:41-51, which involves connecting to a web server and downloading a broadcaster component that identifies the broadcast channel for a topic of interest</p>

4* ¹	“means for connecting to the identified broadcast channel”	‘344/13 ‘966/13	<p>Function: “Connecting to the identified broadcast channel”</p> <p>‘344 Structure: A processor programmed to perform at least one of the algorithms disclosed in steps 801 to 809 in Figure 8 and described in the ‘344 Patent at 17:67-19:34, 19:66-20:44, 21:4-53, 22:61-24:6, and Figures 9, 11, 13, 14, 17 and 18, or Figures 3A and 3B and described in the ‘344 Patent at 5:33-55, which involves invoking the connecting routine with the identified broadcast channel's type and instance, connecting to the broadcast.</p> <p>‘966 Structure: A processor programmed to perform at least one of the algorithms disclosed in steps 801 to 809 in Figure 8 and described in the ‘966 Patent at 18:3-20:9, 20:41-21:19, 21:46-22:28,23:37-24:49, and Figures 9, 11, 13, 14, 17 and 18, or Figures 3A and 3B and described in the ‘966 Patent at 5:32-52, which involves invoking the connecting routine with the identified broadcast channel's type and instance, connecting to the broadcast channel, connecting to a neighbor, and connecting to a fully connected state.</p>
5	“means for identifying the portal computer”	‘497/9	<p>Function: “Identifying a portal computer”</p> <p>Structure: A processor programmed to perform the algorithm described in the ‘497 Patent at 12:34-36 and 12:49-52, which involves performing the steps of the seeking computer having a list of portal computers to connect to and selecting the port number of the portal computer using a port-ordering algorithm.</p>

¹ Defendants believe that two terms, Terms 4 and 18, require clarification because the language of the construction is not consistent with the reasoning or arguments presented. The parties have discussed the issue and have reached an impasse. Therefore, Defendants will ask the Court to clarify its constructions.

6	“means for identifying the call-in port of the identified portal computer by repeatedly trying to establish a connection with the identified portal computer through contacting a communications port or communications ports until a connection is successfully established”	‘497/9	<p>Function: “Identifying the call-in port of the identified portal computer by repeatedly trying to establish a connection with the identified portal computer through contacting a communications port or communications ports until a connection is successfully established”</p> <p>Structure: A processor programmed to perform the algorithm described in the ‘497 Patent at 12:46-65, which involves performing the steps of the seeking computer contact the portal computer using the dynamically selected call-in port and repeating the process with the next dynamically selected port number if no acceptable broadcast channel is found.</p>
7	“means for selecting the call-in port of the identified portal computer using a port ordering algorithm”	‘497/9	<p>Function: “Selecting the call-in port of the identified portal computer using a port ordering algorithm”</p> <p>Structure: A processor programmed to perform the algorithm described in the ‘497 Patent at 11:60-12:12, which involves performing the steps of using a port ordering algorithm for selecting the call in port of the identified portal computer by using an algorithm that provides a sequence of port numbers.</p>
8	“means for re-ordering the communications ports selected by the port ordering algorithm”	‘497/9	<p>Function: “Re-ordering the communications ports selected by the port ordering algorithm”</p> <p>Structure: A processor programmed to perform the algorithm described in the ‘497 Patent at 12:18-12:28, which involves performing the steps of using the call-in port number generated by the port ordering algorithm, and if the connection is unsuccessful, reordering the communication ports.</p>

	Term	Citations	Construction
17	“m-regular” “m-regular network”	‘344/1, 13, 18 ‘966/1, 13 ‘634/1, 19 ‘147/1, 11	For the ‘344, ‘966, and ‘634 patents: “A state that the network is configured to maintain, where each participant is connected to exactly m neighbor participants” For the ‘147 patent: “A state that the network is configured to maintain, where each computer is connected to exactly m neighbor computers”
18* ²	“m-connected” “m-connected network”	‘634/1, 19	“A state that the network is configured to maintain, where the network may be divided into disconnected sub-networks by the removal of m participants in a steady state”
16	“m”	‘344/1, 13, 18 ‘966/1, 13 ‘634/1, 19 ‘147/1, 11	No construction. Plain and ordinary meaning.

² See footnote 1.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.