

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

DEFENDANTS’ ANSWER TO COMPLAINT AND AFFIRMATIVE DEFENSES

Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively, “Defendants”) submit the following answer and affirmative defenses to the Complaint for Patent Infringement (D.I. 1) filed by Plaintiff Acceleration Bay LLC (“Acceleration Bay”).

On October 4, 2016, Defendants moved to dismiss all the accused Sony products from the case because Plaintiff lacks standing, and the Court granted the motion on August 24, 2017 (D.I. 237). Therefore, the allegations relating to the accused Sony products no longer require a response.

GENERAL DENIAL

Unless specifically admitted below, Defendants deny each and every allegation in Plaintiff’s Complaint.

AS TO THE BACKGROUND

1. Defendants admit that Acceleration Bay previously asserted U.S. Patent No. 6,701,344, U.S. Patent No. 6,714,966, U.S. Patent No. 6,732,147, U.S. Patent No. 6,829,634,

U.S. Patent No. 6,910,069, and U.S. Patent No. 6,920,497 (the “Patents-in-Suit” or the “Acceleration Bay Patents”) against Defendants in C.A. No. 15-228 (D. Del.), and that the District Court issued an Order in that previous case finding that Acceleration Bay lacked standing. Except as expressly admitted, Defendants deny the remainder of the allegations in paragraph 1.

AS TO THE PARTIES

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 and therefore, deny them.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 and therefore, deny them.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 and therefore, deny them.

5. Defendants admit that Take-Two Interactive Software, Inc. is a corporation organized and existing under the laws of the State of Delaware and that it has its principal place of business located at 622 Broadway in New York, NY 10012.

6. Defendants admit that Rockstar Games, Inc. is a corporation organized and existing under the laws of the State of Delaware and that it has its principal place of business located at 622 Broadway in New York, NY 10012.

7. Defendants admit that 2K Sports, Inc. is a corporation organized and existing under the laws of the State of Delaware and that it has its principal place of business located at 10 Hamilton Landing in Novato, CA 94949.

8. Defendants admit that Rockstar Games, Inc. and 2K Sports, Inc. are wholly-owned subsidiaries of Take-Two Interactive Software, Inc. Defendants deny the remaining allegations of paragraph 8.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

AS TO JURISDICTION AND VENUE

13. Paragraph 13 contains conclusions of law and not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Defendants admit that Acceleration Bay purports to be bringing an action for patent infringement allegedly under 35 U.S.C. §§ 101 *et seq.*, and that 28 U.S.C. §§ 1331 and 1338 provide the Court with subject matter jurisdiction over federal questions and patent infringement actions. Except as expressly admitted, Defendants deny the remainder of the allegations in paragraph 13.

14. Paragraph 14 contains conclusions of law that are not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Defendants do not contest that venue may lie in this District; however, venue may be more appropriate in another district for the convenience of the parties. Except as expressly admitted, Defendants deny the remainder of the allegations in paragraph 14.

15. Defendants do not contest that the Court has personal jurisdiction in this action. Defendants admit that they have transacted business in this district. Defendants admit that they are corporations organized and existing under the laws of the State of Delaware. Defendants deny any acts of patent infringement have taken place in this district, or elsewhere. The

remaining allegations of paragraph 15 contains conclusions of law that are not averments of fact to which an answer is required, but insofar as an answer may be deemed required, Defendants deny the remaining allegations in paragraph 15.

AS TO THE PATENTS-IN-SUIT

16. Defendants admit that the Complaint asserts the following six patents: U.S. Patent Nos. 6,701,344, 6,714,966, 6,732,147, 6,829,634, 6,910,069, and 6,920,497. Except as expressly admitted, Defendants deny the remainder of the allegations in paragraph 16.

17. Defendants admit that U.S. Pat. No. 6,701,344 (“the ’344 Patent”) is entitled “DISTRIBUTED GAME ENVIRONMENT” (a copy of which appears to be Exhibit 1), and that the face of the patent indicates that it was issued on March 2, 2004. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 17 and therefore deny them.

18. Denied.

19. Denied.

20. Defendants admit that U.S. Pat. No. 6,714,966 (“the ’966 Patent”) is entitled “INFORMATION DELIVERY SERVICE” (a copy of which appears to be Exhibit 2), and that the face of the patent indicates that it was issued on March 30, 2004. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 20 and therefore deny them.

21. Denied.

22. Denied.

23. Defendants admit that U.S. Pat. No. 6,732,147 (“the ’147 Patent”) is entitled “LEAVING A BROADCAST CHANNEL” (a copy of which appears to be Exhibit 3), and that

the face of the patent indicates that it was issued on May 4, 2004. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 23 and therefore deny them.

24. Denied.

25. Denied.

26. Defendants admit that U.S. Pat. No. 6,829,634 (“the ’634 Patent”) is entitled “BROADCASTING NETWORK” (a copy of which appears to be Exhibit 4), and that the face of the patent indicates that it was issued on December 7, 2004. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 26 and therefore deny them.

27. Denied.

28. Denied.

29. Defendants admit that U.S. Pat. No. 6,910,069 (“the ’069 Patent”) is entitled “JOINING A BROADCAST CHANNEL” (a copy of which appears to be Exhibit 5), and that the face of the patent indicates that it was issued on June 21, 2005. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 29 and therefore deny them.

30. Denied.

31. Denied.

32. Defendants admit that U.S. Pat. No. 6,920,497 (“the ’497 Patent”) is entitled “CONTACTING A BROADCAST CHANNEL” (a copy of which appears to be Exhibit 6), and that the face of the patent indicates that it was issued on July 19, 2005. Defendants lack

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