

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,)
)
Plaintiff,)
)
v.) C.A. No. 16-453 (RGA)
)
ACTIVISION BLIZZARD, INC.)
)
Defendant.)

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

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

DEFENDANTS' PROPOSED CONSTRUCTIONS FOR TERMS 10, 24, AND 25

I. Introduction

Pursuant to this Court's December 12, 2017 Oral Order regarding terms 10, 24, and 25 (C.A. No. 16-453, D.I. 376), Defendants propose the following constructions¹ for these terms.

II. Term 10: "network" ('344 pat., cl. 13; '966 pat., cl. 13)

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
network	Not indefinite. "a group of connected computers and/or computer processes"	Proposed Construction Pursuant to Dec. 12 Oral Order: "each of the broadcast channels"

III. Terms 24-25: Preambles

A. Term 24: "A non-routing table based computer-readable medium containing instructions for controlling communications of a participant of a broadcast channel within a network" ('634 pat., cl. 19)

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
A non-routing table based computer readable medium containing instructions for controlling communications of a participant of a broadcast channel within a network	Not indefinite and covers patent eligible subject matter. "instructions for controlling communications within a network that does not need routing tables or switch-based methods to move messages between participants"	Proposed Construction Pursuant to Dec. 12 Oral Order: The preamble is limiting. "A computer-readable medium containing instructions that control communications of a participant of a broadcast channel within a network that does not use routing table(s)" Also the claim covers mere printed matter, thus the claimed limitations are given no patentable weight and/or the claim covers patent ineligible subject matter under 35 USC 101.

¹ Defendants do not waive their argument that these terms are indefinite and expressly reserve the right to later address issues of indefiniteness in this matter with respect to these terms.

B. Term 25: “A computer-based, non-routing table based, non-switch based method for adding a participant to a network of participants” (’069 pat., cl. 1)

Term	Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
A computer-based, non-routing table based, non-switch based method for adding a participant to a network of participants	Not indefinite. “a network that is not directly based on routing tables or switch-based methods to move messages between participants”	Proposed Construction Pursuant to Dec. 12 Oral Order: The preamble is limiting. “A computer-based method for adding a participant to a network of participants that does not use routing table(s) or switches”

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December 15, 2017

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 15, 2017, upon the following in the manner indicated:

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