

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

[PROPOSED] SECOND SUPPLEMENTAL CLAIM CONSTRUCTION ORDER

The Court, having considered the parties’ briefing on claim construction (D.I. 366)¹, and in accordance with the reasoning set forth in the Court’s Memorandum Opinion (D.I. 423), **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”),

¹ Citation to “D.I. ___” refer to the docket in C.A. No. 16-453, unless otherwise noted.

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

No.	Term	Patent(s)/ Claim(s)	Construction
9	"computer network"	'344/12; '966/12	"group of connected computers or group of connected computer processes"
10	"network"	'344/13; 14, 15 '966/13	"each of the broadcast channels"
21	"peers" and "peer-to-peer connections"	'147/15	"computers that are equally able to send and receive information"
24	Preamble is limiting. "A non-routing table based computer readable medium containing instructions for controlling communications of a participant of a broadcast channel within a network"	'634/19, 22	Defendants' Construction: indefinite, thus claims 19-24 of the '634 Patent are invalid Plaintiff's Construction: indefinite
25	Preamble is limiting. "A computer-based, non-routing table based, non-switch based method for adding a participant to a network of participants"	'069/1, 11	"a computer-based method for adding a participant to a network of participants that does not use routing table(s) or switches"
26	Preamble is limiting. "A method of disconnecting a first computer from a second computer, the first computer and the	'147/1	plain and ordinary meaning

No.	Term	Patent(s)/ Claim(s)	Construction
	second computer being connected to a broadcast channel, said broadcast channel forming an m-regular graph where m is at least 3, the method comprising:"		
	Preamble is limiting. "A computer-readable medium containing instructions for controlling disconnecting of a computer from another computer, the computer and the other computer being connected to a broadcast channel, said broadcast channel being an m-regular graph where m is at least 3"	'147/11, 15, 16	plain and ordinary meaning
28	Preamble is limiting "A component in a computer system for locating a call-in port of a portal computer"	'497/9, 16	"a hardware component programmed to locate a call-in port of a portal computer"
37	"port ordering algorithm"	'497/9, 16	"rule-based procedure for generating an order of portal computer ports in a non-random manner"

Furthermore, pursuant to the Court's guidance (*see* D.I. 386 at 19), Term 18 is modified as follows:

No.	Term	Patent(s)/ Claim(s)	Construction
18	“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”

IT IS SO ORDERED this _____ day of January, 2018

United States District Judge